

Washington, Tuesday, July 1, 1952

TITLE 3—THE PRESIDENT REORGANIZATION PLAN NO. 5 OF 1952

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, May 1, 1952, Pursuant to the Provisions of the Reorganization Act of 1949, Approved June 20, 1949

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Section 1. Functions transferred to the Board of Commissioners. There are hereby transferred to the Board of Commissioners of the District of Columbia (hereafter in this reorganization plan referred to as the Board of Commissioners) all functions of the following named offices and agencies of the Government of the District of Columbia, including in the case of each the functions of all officers, employees, and subordinate agencies:

Alcoholic Beverage Control Board
Anatomical Board
Board of Accountancy
Board of Assistant Assessors
Board of Barber Examiners for the District of Columbia
Board for the Condemnation of Dangerous
and Unsafe Buildings
Board for the Condemnation of Insanitary
Buildings in the District of Columbia
Board of Dental Examiners
Board of Equalization and Review
Board of Examiners and Registrars of
Architects
Board of Examiners of Steam and other
Operating Engineers
Board of Examiners of Veterinary Medicine
Board of Parole
Board of Pharmacy
Board of Police and Fire Surgeons
Board of Police and Fire Surgeons
Board of Public Welfare
Board of Revocation and Review of Hackers
Identification Cards
Board of Revocation, Suspension and Restoration of Operators Permits

¹Effective July 1, 1952, under the provisions of section 6 of the act; published pursuant to section 11 of the act (63 Stat, 203; 5 U. S. C. Sup. 1332).

Board of Special Appeals

Board of Tax Appeals

Bridge Division

Budget Office

Building Inspection Division Central Garage and Shops Central Permit Bureau Commission on Licensure to Practice the Healing Art in the District of Columbia Committee on Special Assessment Appeals Construction Division Department of Construction Department of Corrections Department of Highways Department of Inspections Department of Insurance Department of Sanitary Engineering Department of Vehicles and Traffic Department of Weights, Measures, and Markets Disbursing Office District Boxing Commission District of Columbia Board of Cosmetology District of Columbia Board of Registration for Professional Engineers District of Columbia Educational Agency for Surplus Property District of Columbia Pound District of Columbia Repair Shop District Personnel Board Unemployment Compensation Division of Printing and Publications Electrical Division Electrical Examining Board Electrical Inspection Division Elevator Inspection Division Executive Office of the Board of Commissioners of the District of Columbia Fire Department Fire Safety Division Fire Trial Board Gallinger Municipal Hospital Glenn Dale Sanitorium Health Department License Bureau Metropolitan Police Department Minimum Wage and Industrial Safety Board Motion-Picture Operators Examining Board Motor Vehicle Parking Agency Municipal Architect Nurses Examining Board Office of the Administrator of Rent Control Office of the Assessor Office of the Auditor Office of the Chief Clerk, Public Works Office of Civil Defense Office of the Collector of Taxes Office of the Coroner Office of the Corporation Counsel Office of the Secretary to the Board of Commissioners of the District of Colum-Office of the Surveyor (Continued on p. 5851)

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Previously announced: Title 3 (full text) (\$3.50); Titles 4-5 (\$0.45); Title 6 (\$1.50); Title 7: Parts 1-209 (\$1.75); Parts 210-899 (\$2.25); Part 900 to end (\$2.75); Title 8 (\$0.50); Title 9 (\$0.35); Titles 10-13 (\$0.35); Title 14: Parts 1-399 (\$2.25); Part 400 to end (\$1.00); Title 15 (\$0.60); Title 16 (\$0.55); Title 17 (\$0.30); Title 18 (\$0.35); Title 19 (\$0.35); Title 20 (\$0.45); Title 21 (\$0.70); Titles 22-23 (\$0.40); Title 24 (\$0.60); Title 25 (\$0.30); Title 26: Parts 1-79 (\$1.00); Parts 80-169 (\$0.30); Parts 170-182 (\$0.55); Parts 183-299 (\$1.75); Part 300 to end, Title 27 (\$0.45); Titles 28-29 (\$0.75); Titles 30-31 (\$0.45); Title 33 (\$0.60); Titles 35-37 (\$0.35); Title 38 (\$1.50); Title 39 (\$0.65); Titles 40-42 (\$0.35); Titles 44-45 (\$0.50); Title 46: Parts 1-145 (\$0.60); Part 146 to end (\$0.85)

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SEC. 2. Abolition of agencies. (a) The offices and agencies listed in section 1 hereof, including the offices of the heads of such agencies, are abolished. The provisions of the foregoing sentence with respect to any such office or agency shall become effective at such time as

the Board of Commissioners shall specify.

but in no event later than June 30, 1953. (b) The Office of People's Counsel established by section 3 of the act of December 15, 1926 (D. C. Code, 1940 edition, sec. 43-205) and its functions are abolished.

(c) The Board of Commissioners shall make such provisions as the said Board may deem necessary with respect to winding up the affairs of any office or agency abolished by the provisions of this section.

SEC. 3. Performance of functions of Board. (a) Except as otherwise provided in this section, the Board of Commissioners is hereby authorized to make from time to time such provisions as it deems appropriate to authorize the performance of any of its functions, including any function transferred to or otherwise vested in the Board of Commissioners by this reorganization plan, by any member of the Board of Commissioners, or by any other officer, employee, or agency of the Government of the District of Columbia, except the courts thereof.

(b) The Board of Commissioners shall not provide for the performance by any member of the Board of Commissioners, or by any other officer, employee, or agency of: (1) any function vested in the said Board by Act of Congress with respect to making and adopting regulations except those pertaining to the administration of or procedure before any agency of the Government of the District of Columbia; (2) the function of approving any contract in excess of \$25,000; (3) the function of appointing or removing the head of any agency responsible directly to the Board of Commissioners; or (4) the function of approving the budget for the District of Columbia.

SEC. 4. Establishment of new offices. (a) There are hereby established in the Government of the District of Columbia so many agencies and offices, and with such names or titles, as the Board of Commissioners shall from time to time determine. The said offices shall be filled by appointment by, or under the authority of, the Board of Com-missioners. Each officer so appointed shall perform the functions delegated to him in accordance with this reorganization plan and shall receive compensation to be fixed in accordance with the classification laws, as now or hereafter amended, except that the compensation for not to exceed fifteen such offices at any one time may be fixed without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949 (5 U. S. C. 1105).

(b) There are hereby established in the Government of the District of Columbia two new offices one of shall have the title of "Chief of Folice"

and the other the title of "Fire Chief." The Chief of Police and the Fire Chief shall each be appointed by the Board of Commissioners and shall each receive compensation fixed by the said Board at a rate of not in excess of \$12,800 per

SEC. 5. Transfer of personnel, property, records, and funds. With respect

to personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, available or to be made available, relating to functions transferred, or authorized to be delegated, by the provisions hereof, the Board of Commissioners from time to time may effect such transfers between agencies of the Government of the District of Columbia (including transfers between the Board of Commissioners and any other agency of the Government of the District of Columbia) as the Board may deem necessary in order to carry out the provisions of this reor-ganization plan.

[F. R. Doc. 52-7291; Filed, June 30, 1952; 11:41 a. m.J

RULES AND REGULATIONS

TITLE 6-AGRICULTURAL CREDIT

Chapter III-Farmers Home Administration, Department of Agriculture

> Subchapter B-Farm Ownership Loans [Administration Letter 283 (400)]

PART 311-BASIC REGULATIONS

TEMPORARY CREDIT RESTRICTIONS

Section 311.8, Title 6, Code of Federal Regulations (16 F. R. 10305), is amended to (a) revise the maximum dwelling loan limits on Farm Housing and Farm Ownership loans, (b) remove section 503 Farm Housing loans from the maximum amortization period requirements, (c) permit the maximum amortization period requirements for Farm Housing and Farm Ownership loans to be waived in favor of veterans on ground of hardship, and (d) make minor clarifying or incidental changes of language. The section is amended so that paragraphs (a), (c), (d), and (g) read as follows:

§ 311.8 Farm Housing and Farm Ownership temporary credit restric-tions—(a) General, (1) Farm Housing and Farm Ownership loans in the continental United States (not including Alaska) approved by the State Field Representative on or after June 11, 1952, must comply with the applicable credit restrictions set forth in this section.

(2) The credit restrictions established by this section apply only to Farm Housing and Farm Ownership funds advanced for dwelling construction as defined in paragraph (b) (1) of this section, and do not apply to amounts loaned for other

(3) These restrictions do not apply to any case in which the amount of Farm Housing or Farm Ownership funds to be used for dwelling construction is \$2,500 or less.

(b) Definitions. (c) Maximum dwelling loan. The maximum amount of Farm Housing or Farm Ownership funds that may be loaned to a qualified applicant for dwelling construction purposes depends upon the transaction price group withinwhich the planned dwelling construction falls and whether or not the applicant has veteran preference.

(1) The maximum loans for dwelling construction purposes are set forth in the following tables:

Transaction price of dwelling (as defined in par. (b) (3) of this section):	Maximum dwelling loan (veteran preference)
More than \$2,500 but not more than \$7,000	100 percent of cost of dwelling con- struction.
More than \$7,000 but not more than \$10,000	\$6,720 plus 90 percent of excess of transaction price over \$7,000.
More than \$10,000 but not more than \$12,000	\$9,420 plus 84 percent of excess of transaction price over \$10,000.
More than \$12,000 but not more than \$16,000	\$11,100 plus 45 percent of excess of transaction price over \$12,000.
More than \$16,000 but not more than \$21,000	\$12,900 plus 43 percent of excess of transaction price over \$16,000.
More than \$21,000 but not more than \$25,000	\$15,050 plus 30 percent of excess of transaction price over \$21,000,
Over \$25,000	65 percent of transaction price.
Transaction price of dwelling (as defined in par. (b) (3) of this section):	Maximum dwelling loan (no veteran preference)
More than \$2,500 but not more than \$7,000	95 percent of transaction price.
More than \$7,000 but not more than \$10,000	\$6,300 plus 75 percent of excess of transaction price over \$7,000.
More than \$10,000 but not more than \$15,000	\$8,550 plus 55 percent of excess of transaction price over \$10,000.
More than \$15,000 but not more than \$21,000	\$11,300 plus 45 percent of excess of transaction price over \$15,000.
More than \$21,000 but not more than \$25,000	\$14,000 plus 25 percent of excess of transaction price over \$21,000.
Over \$25,000	60 percent of transaction price.

NOTE: The complete schedule of maximum dwelling loans as issued by other Federal agencies is included in paragraph (c) (1) of this section even though Farm Ownership and Farm Housing loans will not include sufficient funds for dwelling construction to

(d) Maximum amortization period-(1) Farm housing. The maximum amortization periods established by this section apply to each section 502 Farm Housing loan which includes more than \$2,500 for dwelling construction pur-

fall within the upper brackets.

(i) The maximum period over which a section 502 Farm Housing loan which includes more than \$2,500 but not more than \$12,000 for dwelling construction purposes may be amortized is 25 years.

(ii) The maximum period over which a section 502 Farm Housing loan which includes more than \$12,000 for dwelling construction purposes may be amortized is 20 years.

(iii) Section 503 Farm Housing loans are not subject to the maximum amortization period requirements.

(2) Farm Ownership. The maximum amortization periods established by this section apply to each direct and insured Farm Ownership loan where more than \$2,500, for dwelling construction purposes is included, and the funds to be advanced for dwelling construction purposes exceed 75 percent of the total loan for all purposes.

(i) When that portion of the Farm Ownership loan to be advanced for dwelling construction purposes is more than \$2,500 and not more than \$12,000, and if the amount to be advanced for dwelling construction purposes exceeds 75 percent of the total loan for all purposes, the maximum amortization period of the total loan is 25 years.

(ii) When that portion of the Farm Ownership loan to be advanced for dwelling construction purposes is more than \$12,000, and if the amount to be advanced for dwelling construction purposes exceeds 75 percent of the total loan for all purposes, the maximum amortization period of the total loan is 20 years.

(iii) Loans which either include not more than \$2,500 for dwelling construction purposes, or include for dwelling construction purposes not more than 75 percent of the total loan for all purposes may be amortized for not more than 40 years in accordance with present pro-

(e) Application of credit restrictions subsequent Farm Housing loans.

(f) Application of credit restrictions to subsequent Farm Ownership loans.

(g) Waiver of credit restrictions. (1) The Administrator may waive the credit restrictions established by this section when it is necessary to make further advances to protect the Government's security for outstanding loans.

(2) The State Director may waive the credit restrictions established by this section when the Farm Housing or Farm Ownership loan includes funds for the replacement, reconstruction, or repair of a farm dwelling destroyed or substantially damaged by flood, fire, or similar casualty, upon written certification by the applicant that he experienced such loss or damage to the dwelling on his farm and that the loan funds will be used to reconstruct or repair the dwelling, or, in case of unusually severe damage or a total loss, provide a new dwelling. The applicant's certification should be obtained at the time he applies for Farm Housing or Farm Ownership assistance. This certification should be in the following form:

and that the requested loan funds casualty) will be used to reconstruct, repair, or replace the damaged dwelling(s).

(Date)

(Signature of applicant)

(3) The State Director is authorized to waive the maximum amortization period requirements in the case of a veteran for whom repayment of a Farm Ownership or a section 502 Farm Housing loan within the applicable maximum amortization period would constitute a hardship.

This section is promulgated in compliance with a determination of the Housing and Home Finance Administrator acting pursuant to E. O. 10161, September 9, 1950 (3 CFR, 1950 Supp., p. 123), that such promulgation is necessary to carry out the purposes of Title VI of the Defense Production Act of 1950. as amended (Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong., Pub. Law 96, 82d Cong., Pub. Law 139, 82d Cong.). It shall be applicable notwithstanding any other provisions of this subchapter or Subchapter A and shall terminate upon the termination of E. O. 10161 unless terminated earlier by proper authority.

(Sec. 41 (1), 60 Stat. 1066, sec. 510 (g), 63 Stat. 438; 7 U. S. C. 1015 (1), 42 U. S. C. 1480 (g). Interprets or applies sec. 605, 64 Stat. 814, Pub. Law 774, 81st Cong., as amended, sec. 106 (c), Pub. Law 96, 82d Cong., sec. 602 (a), (b), Pub. Law 139, 82d Cong.; 50 U. S. C. App. 2135, 2136; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

Dated: June 20, 1952.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: June 27, 1952.

CHARLES F. BRANNAN, Secretary of Agriculture.

[F. R. Doc. 52-7208; Filed, June 30, 1952; 8:56 a. m.] Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 674-FARM STORAGE FACILITIES

SUBPART—PROGRAM TO FINANCE PURCHASE OF MECHANICAL DRIERS FOR FARM COM-MODITIES

TIME FOR SUBMISSION OF LOAN APPLICATIONS

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration in 16 F. R. 6494 governing the making of loans and containing the requirements of the Mobile Drying Equipment Program are hereby amended as follows:

Section 674.156 Availability of loans,
 Time, is amended to extend the time for the submission of loan applications. As so amended paragraph (b) reads as follows:

(b) Time. Loan applications may be submitted until June 30, 1952, and thereafter until public notice is made that applications may not be submitted.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, as amended, 1072; 15 U. S. C. Sup., 714b, 714c)

Issued this 26th day of June 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

Harold K. Hill,

Acting President,

Commodity Credit Corporation.

[F. R. Doc. 52-7181; Filed, June 30, 1952; 8: 59 a. m.]

TITLE 7-AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter E—Determination of Sugar Commercially Recoverable

[Sugar Determination 831.2, Amdt. 1]

PART 831-BEET SUGAR AREA

1949 AND SUBSEQUENT YEARS

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1948, as amended, the Determination of Sugar Commercially Recoverable in the Beet Sugar Area from the 1949 and Subsequent Crops of Sugar Beets, issued September 30, 1949 (14 F. R. 6057), is hereby amended by (1) inserting the word "and" at the end of paragraph (a), and (2) deleting paragraphs (b) and (c) and substituting in lieu thereof the following:

§ 831.2 Determination of sugar commercially recoverable from sugar beets.

(b) In the case of sugar beets marketed in a settlement area under any type of agreement other than an "individual test" contract, 95.23 percent of the amount of sugar calculated by applying to the net weight of the sugar beets, at the time of delivery to a processor, the weighted average percentage of sugar content of all the sugar beets of the next proceeding 7 crops marketed in such settlement area, according to cossette tests made by the processor. For the purpose of this determination "settlement area" means an area in which the marketing agreements between the processor and producers for each crop of sugar beets contain a common pricing formula.

This amendment shall be effective with respect to the 1952 and subsequent crops of sugar beets.

STATEMENT OF BASES AND CONSIDERATIONS

The determinations of sugar commercially recoverable from sugar beets, effective for the 1948 and subsequent crops, have provided that Sugar Act payments on sugar beets marketed under any type of agreement other than an "individual test" contract in the district of a beet sugar factory located in Colorado, Idaho, Montana, Oregon, Utah, Washington or Wyoming would be based on the weighted average percentage of sugar content of all the sugar beets of the next preceding seven crops marketed in the local settlement area. The payments on the 1947 and prior crops in these districts and on all crops in the districts of factories located in other States where beets are marketed under similar contracts have been based on the percentage of sugar content of each crop marketed in the local settlement area. The change to the 7-year weighted average basis was limited to the States listed above primarily because processing campaigns in those States are relatively long and consequently the plan could be particularly effective there in accelerating payments to producers. change in basis apparently met with general satisfaction. When interest in this plan on the part of growers in several other areas developed during recent months, the reactions of growers, processors, and local committees of the Production and Marketing Administration in making this basis effective in all districts in which beets are marketed under other than "individual test" contracts were solicited through State PMA offices. The responses indicated favorable reactions on the part of most of the interested parties and no serious objections were registered. Consequently, this amendment makes this basis effective in all such districts beginning with the 1952 crop.

Under this basis the completion of payment applications need not be delayed until all the beets produced in an area are processed. The marketings of all growers in the area can be reported by the processor at the end of harvest and periodic reports may be submitted during the harvesting season to facilitate payments to those producers who complete their marketings relatively early. It is believed that over a period of years there will be little difference in total payments made to individual growers,

particularly those who produce beets quite regularly. The use of weighted averages rather than simple averages will tend to equalize total payments. The average basis will result in less variation in amounts of payment per ton of beets from year to year. Slightly larger Sugar Act payments on crops of low sugar content and smaller payments on crops of high content will result, representing a reverse effect as compared with processor payments. Moreover, subject to correction for any revision of the determination of rates of sugar commercially recoverable, the conditional payment per ton on any crop can be computed as soon as the data for the previous crop in the area are available.

Except for the modifications shown herein concerning the extension of the 7-year weighted average basis to all areas in which beets are marketed under any type of agreement other than an "individual test" contract, the provisions of the original determination as issued September 30, 1949, are unchanged.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the purposes of section 302 (a) of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153, Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Issued this 26th day of June 1952.

[SEAL] CHARLES F. BRANNAN, Secretary of Agriculture.

[F. R. Doc. 52-7185; Filed, June 30, 1952; 8:59 a. m.]

Subchapter H—Determination of Wage Rates
[Sugar Determination 863.5]

PART 863-SUGARCANE; FLORIDA

FAIR AND REASONABLE WAGE RATES DURING THE PERIOD JULY 1, 1952, THROUGH JUNE 30, 1953

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Clewiston, Florida, on April 25, 1952, the following determination is hereby issued:

§ 863.5 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1952, through June 30, 1953—(a) Requirements. The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1952 through June 30, 1953, if the producer complies with the following:

(1) Wage rates. All persons employed on the farm shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but after July 1, 1952, or the date of issuance of this determination, whichever is later, not less than the following:

(i) For work performed on a time basis.

act to the producer, is 8 hours)

(ii) For work performed on a piecework basis. The piecework rate for any
operation shall be as agreed upon between the producer and the worker:
Provided, That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay
period not to be in excess of two weeks)
shall average for the time involved not
less than the applicable hourly rate prescribed in subdivision (i) of this subparagraph.

(2) Perquisites. In addition to the foregoing, the producer shall furnish to the worker, without charge, the perquisites customarily furnished by him such as a habitable house, garden plot, medical attention, and similar items.

(b) Subterfuge. The producer shall not reduce the wage rates to workers below those determined in this section through any subterfuge or device whatsoever.

(c) Claim for unpaid wages. Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Production and Marketing Administration Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the office of the local County PMA Committee. Upon receipt of a wage claim the County PMA Committee shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker, and, after making such investigation as it deems necessary, notify the producer and worker in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State PMA Committee, Cheops Buildings, Gainesville, Fla., which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State PMA Committee is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U.S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee. otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) General. The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida during the period from July 1, 1952 through June 30, 1953, as one of the conditions for payment under the act.

(b) Requirements of the act and standards employed. In determining fair and reasonable wage rates it is required under the act that a public hearing be held, that investigations be made and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2), the differences in condition among various sugar producing areas.

A public hearing was held in Clewiston, Florida, on April 25, 1952, at which interested persons presented testimony with respect to fair and reasonable wage rates for sugarcane work during the period from July 1, 1952 through June 30, 1953. In addition, investigations have been made of conditions affecting such wage rates. In this determination consideration has been given to the testimony presented at the hearing and to information resulting from investigations. The primary factors which have been considered are (1) prices of sugar and by-products; (2) income from sugarcane; (3) costs of production; (4) cost of living; (5) relationship of labor cost to total cost. Other economic influences also have been considered.

(c) 1952-53 Wage Determination. In this wage determination, minimum wage rates for all classes of workers are increased 5 cents per hour above the corresponding rates provided in the 1951-52 wage determination. Other provisions of the prior wage determination remain

unchanged. At the public hearing, producer representatives recommended that there be no increase of minimum wage rates in the 1952-53 wage determination. A labor union representative recommended that a minimum wage of 75 cents per hour be provided, among other reasons, to attract more domestic workers to sugarcane work. Other testimony was presented to the effect that most of the unskilled workers engaged in the cultivation and harvesting of sugarcane are British West Indians employed on a piecework or task basis; that during 1951-52 earnings of these workers ranged between 50 and 65 cents per hour for hoeing sugarcane and between 75 cents and \$1.00 per hour for cutting sugarcane: that in most cases semi-skilled and skilled workers are nationals employed on an hourly basis at rates which ranged from 5 to 25 cents above the minimum rate of 60 cents per hour specified in the wage determination last year; and that in addition to wages, producers furnish workers without charge the customary perquisites such as housing, water, garden plots and medical

In this determination, consideration has been given to the testimony and

attention.

recommendations presented at the publie hearing, to the standards customarily considered in wage determinations and to the returns, costs and profits of sugarcane producers obtained by restating survey information for prior years in terms of production and crop conditions and prices for sugar and molasses expected to prevail for the 1952-53 crop. During recent years, sugarcane returns to producers and farm labor productivity have improved substantially. Al-though non-labor items of cost have increased, the net effect of all changes has been an improvement in the producers' situation. Higher living costs, on the other hand, have absorbed past increases in the earnings of workers during this period. After consideration of all factors, the wage rates provided in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 301, 61 Stat, 929; 7 U. S. C. Sup., 1131)

Issued this 26th day of June 1952.

[SEAL] CHARLES F. BRANNAN, Secretary of Agriculture.

[F. R. Doc. 52-7186; Piled, June 30, 1952; 8:59 a, m.]

TITLE 29-LABOR

Subtitle A—Office of the Secretary of Labor

[Child Labor Regulation No. 33]

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRE-TATION

SUBPART B-ACCEPTANCE OF STATE CERTIFICATES

§ 4.21 Designation of States. Pursuant to the provisions of Subpart A of this part (Child Labor Regulation No. 1), the following States are hereby designated as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060 as amended; 29 U. S. C. 201);

Alabama. Arizona. Arkansas. California. Colorado. Connecticut. Delaware. District of Columbia. Florida. Georgia. Hawaii. Illinois. Indiana. Iowa. Kansas, Kentucky. Louisiana, Maine. Maryland. Massachusetts. Michigan. Minnesots.

Missouri.

Montana.

Nebraska. Nevada. New Hampshire. New Jersey. New Mexico. New York. North Carolina. North Dakota. Ohio. Oklahoma. Oregon. Pennsylvania. Puerto Rico. Rhode Island. South Dakots. Tennessee. Utah. Vermont. Virginia. Washington. West Virginia.

Wisconsin.

Wyoming.

This designation shall be effective from July 1, 1952, until June 30, 1953, unless amended or revoked prior to such date. (Secs. 3, 11, 52 Stat. 1061, 1066 as amended; 29 U. S. C. 203, 211)

Signed at Washington, D. C., this 27th day of June 1952.

MICHAEL J. GALVIN, Acting Secretary of Labor.

[P. R. Doc. 52-7245; Piled, June 30, 1952; 9:11 a. m.]

TITLE 32-NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 41]

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

STANDARDS AND REQUIREMENTS FOR APPRENTICE TRAINING PROGRAMS

The Selective Service Regulations are hereby amended by adding the following new section to Part 1622, Classification Rules and Principles, immediately following § 1622.23:

1622.23a Standards and requirements for apprentice training programs and acceptance of such programs for deferment purposes under paragraph (b) of § 1622.23. (a) Under the provisions of subparagraph (1) of paragraph (b) of § 1622.23 an apprentice training program must meet all of the standards and requirements prescribed in paragraphs (b), (c), and (d) of this section.

(b) The apprentice training program must be an organized plan, written or implied, embodying the terms and conditions of employment, training, and supervision of one or more apprentices in one or more apprentices in one or more apprenticeable occupations, as defined in paragraph (c) of this section, and subscribed to by a sponsor who has undertaken to carry out the apprentice training program. The sponsor may be an employer of labor, a joint apprenticeship committee, a trade union, a group of employers of labor, or an association of journeymen.

(c) The apprentice training program must offer apprentice training in an occupation which—

 Customarily has been learned in a practical way through training onthe-job;

(2) Requires 4,000 or more hours of work experience to learn;

(3) Is clearly identified and commonly recognized throughout the in-

(4) Requires during each year of apprenticeship the completion of 144 hours or more of organized and systematic related trade instruction designed to provide the apprentice with learning in theoretical and technical subjects related to the occupation;

(5) Is not merely a part of an occupation normally learned through apprenticeship;

(6) Involves a development of skill sufficiently broad to be applicable in like occupations throughout an industry rather than of restricted application to the products of one employer; and (7) Does not fall within any of the following categories:

(1) Selling, retailing or similar occupations in the distributive field;

(ii) Managerial occupations;(iii) Clerical occupations;

 (iv) Professional or semi-professional occupations including occupations for which entrance requirements customarily include education of college level; or

(v) Agricultural occupations which include occupations such as the growing of crops, fruits or nuts, and the raising of livestock or poultry.

(d) The apprentice training program must have been in operation with apprentices actually being trained therein for a period of at least one year.

(e) Each State Director of Selective Service is authorized to accept for deferment purposes apprentice training programs within his State which are submitted to him by the sponsors of the programs when the programs meet the standards and requirements prescribed in paragraphs (b), (c), and (d) of this section. Any program so submitted to the State Director of Selective Service which is not so accepted by him may be submitted to the Director of Selective Service for his consideration for such acceptance. In making requests to the State Director of Selective Service for such acceptance of apprentice training programs, sponsors shall comply with the following procedures:

(1) If the apprentice training program has been registered with a State apprenticeship agency the certificate of such agency stating that the program meets all the standards and requirements prescribed in paragraphs (b), (c), and (d) of this section shall accompany the request for acceptance when it is submitted to the State Director of Selective Service by the sponsor for consideration.

(2) If the apprentice training program is registered with the Bureau of Apprenticeship of the United States Department of Labor the certificate of that agency stating that the program meets all the standards and requirements prescribed in paragraphs (b), (c), and (d) of this section shall accompany the request for acceptance when it is submitted to the State Director of Selective Service by the sponsor for consideration.

(3) If the apprentice training program has not been registered with either a State apprenticeship agency or the Bureau of Apprenticeship of the United States Department of Labor, the certificate of the sponsor stating that the program meets the standards and requirements prescribed in paragraphs (b), (c), and (d) of this section shall accompany his request for acceptance when it is submitted to the State Director of Selective Service.

(f) Under the provisions of subparagraphs (3) and (4) of paragraph (b) of § 1622.23 a registrant's activity as an apprentice in an apprentice training program may be considered to be necessary to the maintenance of the national health, safety or interest when all of the following conditions exist:

(1) The program sponsor has submitted to the local board a request for the occupational deferment of the registrant accompanied by the certificate of the sponsor that (1) the apprentice training program has been accepted for the purpose of deferment by the State Director of Selective Service for the State within which the program is being operated or by the Director of Selective Service, and (ii) the registrant is meeting the conditions prescribed in subparagraph (2) of this paragraph.

(2) The registrant (i) currently is meeting all the standards and requirements of the apprentice training program and is satisfactorily performing and progressing in his on-the-job training and related trade instruction, and (ii) either is engaged in and has completed not less than 2,000 hours of apprentice training in an activity necessary to the maintenance of the national health, safety or interest, or is engaged in and has completed not less than 1,000 hours of apprentice training in an occupation listed as critical by the Secretary of Labor on the current list of critical occupations.

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 400, E. O. 10368, June 26, 1952, 17 P. R. 5749)

This order shall become effective upon the filing thereof with the Division of the Federal Register, National Archives and Records Service, General Services Administration.

[SEAL] LEWIS B. HERSHEY, Director of Selective Service.

JUNE 26, 1952,

[F. R. Doc. 52-7171; Filed, June 30, 1952; 8:57 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 152]

CPR 152—Western Pine and Associated Species of Lumber

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Celling Price Regulation 152 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollarsand-cents ceiling prices for manufacturers' sales of western pine and associated species of lumber and railroad ties produced in twelve western states. The species covered are Ponderosa Pine, Sugar Pine, Idaho White Pine, Lodgepole Pine, Engelman Spruce, Inland Red Cedar, Incense Cedar, Inland Larch and Douglas Fir, and White Fir.

Description of the industry. The production area covered by this regulation contains more than one-fourth of the country's standing sawtimber, and more than one-third of the total softwood stands. In 1951, the mills in this area produced over 7½ billion board feet of lumber, about one-fifth of the nation's

total lumber production and about onefourth of the total softwood production. Ponderosa pine is the major species, accounting in 1951, for more than half of the lumber production that is covered in this regulation.

Western pine lumber is consumed in wide areas of the United States, with large quantities moving into the midwest and eastern states. It is a basic material of prime importance in the civilian and defense sectors of the national economy. This lumber is widely used in residential, military, and indus-trial construction; for industrial pur-poses such as the manufacture of furniture, doors and window frames, and boxes; and by the armed forces for crating. The higher grades are in heavy demand by the building trades for interior finishing. In addition to its general uses, Idaho White Pine is a specialty wood particularly suitable for interior panelling. Sugar Pine is widely used in pattern making.

The industry also produces a large number of railroad ties that are used, for the most part, by Western railroads. For railroad ties, the regulation adopts as standard the Specifications of the American Railway Engineering Association.

Nature of this regulation. This reg-ulation covers a production area that includes the States of Oregon, Washington, California, Idaho, Montana, South Dakota, Wyoming, Colorado, Utah, Nevada, Arizona and New Mexico. Insofar as the regulation covers Douglas Fir and White Fir lumber produced in California and in the Cascade Mountains of Oregon and Washington, this regulation overlaps geographically with Ceiling Price Regulation 128, covering Pacific Northwest Douglas Fir. True Fir, and West Coast Hemlock lumber. However, as the coverage of this regulation is limited to lumber that is sold either ungraded or graded in accordance with the rules of the Western Pine Association, and as CPR 128 is limited in scope to lumber that is graded under the rules of the West Coast Bureau of Lumber Grades and Inspection, the overlap is more apparent than real. Thus, so far as Douglas Fir and White Fir lumber is concerned, the two regulations together provide a basis whereby normal geographical and qualitative differences are reflected in different ceiling price

This regulation establishes manufacturers' ceiling prices, and does not deal with ceiling prices at the various distribution levels. The ceiling prices apply to all manufacturers' sales of lumber covered by the regulation, whether sold to a wholesaler, retailer, industrial user, or any other reseller or consumer, and whether sold directly or through a lumber commission man.

Practically all of the hundreds of basic items produced by the industry have specific ceiling prices set forth in the price tables of the regulation. Following industry custom, footnote references provide for non-standard items. For special items, which require special workings, specifications, services, etc., application must be made by the producers to the Office of Price Stabilization.

To assure uniform grade and measurement standards, the regulation adopts the grade and size standards set forth in the most recently issued "Standard Grading Rules" of the Western Pine Association, the standards that are used by the lumber manufacturers located in the production area covered by this regulation.

The basic ceiling prices set forth in the regulation are on an f. o. b. mill basis. For sales made on a delivered basis provisions are included for the addition of appropriate transportation charges. In conformance with established practice in the industry, and upon the recommendation of the Industry Advisory Committee, the regulation authorizes the use of basing points for the determination of transportation charges on certain delivered sales.

The provision in the regulation permitting an addition for commission-type sales is similar to provisions contained in several other lumber regulations already issued by OPS. However, some question has been raised as to the justification for this provision. OPS is giving the matter further study and will consult further with industry representatives regarding it. If any changes are found to be necessary they will be made simultaneously with respect to all lumber regulations.

Prices of Western Pine lumber items generally increased between June 1950 and January 1951. These increases, however, varied substantially between individual items and between firms in the industry. A distorted price pattern resulted, which was frozen by the General Ceiling Price Regulation. This regulation restores the generally prevailing price pattern in the industry by establishing schedules of dollars-andcents ceiling prices that reflect the price differentials that customarily exist among the items covered. The historic relationship between the prices of Ponderosa Pine and other species of lumber covered by this regulation has been maintained in the schedules of ceiling

The level of ceiling prices as established by the regulation is well within the range of the GCPR ceiling prices as submitted to OPS by the industry.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practical in the formulation of this regulation, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; to those prevailing during the period January 25 through February 24, 1951, as well as to the level of prices prevailing just before the Issuance of this regulation; and to all relevant factors of general applicability.

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In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This included three meetings with the Western Pine Industry Advisory Committee and three meetings with a subcommittee of the latter Committee.

Every effort has been made to conform this regulation to business practices existing with respect to the production, sale and distribution of the western pine and associated species of lumber covered by this regulation. Insofar as any provisions of this regulation may operate to compel changes in those business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

COVERAGE

- 1. What this regulation does
- What regulation is superseded.
- What products are covered. What transactions are covered.

5. Geographical applicability.

BASIC CEILING PRICES, ADDITIONS, COMMISSION-TYPE SALES, AND PRICING SALES

- 10. General explanation of ceiling prices,
- 11. Delivered sales; general.
 12. Delivered sales; shipment by common or contract carrier.
- 13. Delivered sales; shipment by private truck.
- 14. Delivered sales; basing point rates.
- Mixed car or mixed truck shipments.
- 16. Stop-over car loadings.
- 17. Retail sales.
- 18. Commission-type sales.
- Pricing rules.
- 20. Discount for each.

MISCELLANEOUS PROVISIONS

- 30. Ceiling prices for special transactions. Modification of proposed ceiling prices by Director of Price Stabilization.
- 33. Petitions for amendment.
- 34. Adjustable pricing.
- 35. Records.
- Invoices.
- 37. Interpretations, 38. Prohibitions.

- 40. Definitions.

CEILING PRICE AND ESTABLISHED WEIGHTS

- 45. F. o. b. celling prices; Ponderosa pine lumber
- 46. F. o. b. ceiling prices; Idaho white pine
- 47. P. o. b. ceiling prices; Sugar pine
- lumber, 48. F. o. b. ceiling prices; Douglas fir and inland larch lumber.
- 49. F. o. b. ceiling prices; White fir lumber. 50. F. o. b. ceiling prices; Englemann spruce and lodgepole pine lumber.
- 51. P. o. b. ceiling prices; Inland red cedar lumber.
- 52. F. o. b. ceiling prices; Incense cedar lumber.
- 53. Ceiling price differentials and rules. 54. F. o. b. ceiling prices; all species un-
- 55. P. o. b. celling prices; railroad ties, all
 - 56. Table of established weights.

AUTHORITY: Sections 1 to 56 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

COVERAGE

SECTION 1. What this regulation does. This regulation establishes dollars and cents ceiling prices for manufacturers' sales of Western Pine and associated species of lumber and railroad ties. (Note: Unless otherwise clearly required by the context, the term "lumber" as used in this regulation includes railroad

SEC. 2. What regulation is superseded. This regulation supersedes the General Ceiling Price Regulation insofar as it pertains to the transactions covered by this regulation.

SEC. 3. What products are covered—
(a) Lumber. This regulation covers lumber of the following species, when produced in the indicated areas, and when sold either ungraded, or graded in accordance with Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951:

(1) Ponderosa pine (pinus ponderosa), Sugar pine (pinus lambertiana), Idaho White pine (pinus monticola), Lodgepole pine (pinus contorta) Inland larch (larix occidentalis), Engelmann spruce (picea engelmanni), Incense cedar (libocedrus decurrens), and Inland red cedar (thuja plicata), produced in a plant or mill located in Oregon, Washington, California, Idaho, Montana, South Dakota, Wyoming, Colorado, Utah, Nevada, Arizona, or New Mexico.

(2) Douglas fir (pseudotsuga taxifolia) and White fir (abies concolor) produced in a plant or mill located in California, Idaho, Montana, South Dakota, Wyo-Colorado, Utah, Nevada, Arizona, New Mexico, or in the parts of Washington and Oregon that include the Cascade Mountains and extend eastward from the Cascade Mountains.

(b) Railroad ties. This regulation also covers: (1) All railroad ties of the species listed in paragraph (a) (1) of this section, produced in a plant or mill located in the states enumerated in that paragraph.

(3) All Douglas fir (pseudotsuga taxifolia) and White fir (abies concolor) railroad ties produced in a plant or mill located in Idaho, Montana, South Dakota, Wyoming, Colorado, Utah, Nevada, Arizona, New Mexico, or in the parts of Washington and Oregon that extend eastward from, but not including the Cascade Mountains.

Sec. 4. What transactions are covered. This regulation applies to all manufacturers' sales of lumber covered by this regulation. It thus applies when a manufacturer sells his lumber to a wholesaler, retailer, industrial user, or to any other reseller or consumer, whether or not the sale is made directly or through a lumber commission man. (Section 18 of this regulation provides an addition to cover the services of a lumber commission man. Supplementary Regulation 87 to the General Ceiling Price Regulation establishes a formula for determining wholesalers' and other resellers' mark-ups which may be added to manufacturers' selling prices).

Sec. 5. Geographical applicability. Every manufacturer's sale for delivery (f. o. b. or on a delivered basis) in the 48 states of the United States or in the District of Columbia, is subject to this regulation, whether or not the sale of the lumber is made in the United States.

BASIC CELLING PRICES, ADDITIONS, COMMIS-SION-TYPE SALES, AND PRICING RULES

SEC. 10. General explanation of ceiling prices. (a) The basic ceiling prices established by this regulation are f. o. b. prices. They apply to sales made: f. o. b. mill, f. o. b. car at mill, f. o. b. car at mill's customary rail shipping point in the case of an off-rail mill, or f. o. b. truck at mill. These basic f. o. b. ceiling prices are set forth in sections 45 through 55.

(b) Sections 11 through 19 explain how the basic f. o. b. ceiling prices are modified under certain circumstances, as, for example, when you sell your lumber on a delivered basis, when you make a mixed car or truck shipment, or when you sell your lumber through a lumber commission man.

Sec. 11. Delivered sales; general. (a) This regulation permits you to sell your lumber on a delivered basis, as well as on an f. o. b. basis. On sales on a delivered basis, you may add to the f. o. b. ceiling (or lower) price an appropriate transportation addition as explained in sections 12, 13, and 14.

(b) A sale described in an order, invoice, or otherwise, as "ceiling de-livered" or "f. o. b. mill with freight paid, allowed, or included, to a given destination" will be considered, for the purpose of this regulation, a sale on a delivered basis.

SEC. 12. Delivered sales; shipment by common or contract carrier. When you sell on a delivered basis and you ship your lumber by common or contract carrier, the delivered ceiling prices are the f. o. b. prices set forth in sections 45 through 55 plus an addition for trans-portation. The transportation addition is computed by multiplying the appropriate established weight shown in section 56 by the applicable common or contract carrier freight rate in effect at the time of shipment. Where trucking to a yard or job site after a rail haul is required, the transportation addition may also include an appropriate charge for making the truck delivery as well as a charge for transferring the lumber from rail car to truck. You should note that when you sell on a delivered basis, the delivered price need not thereafter be revised or adjusted even if the amount actually charged by the common or contract carrier for carrying your lumber is different from the addition for transportation included in your delivered

Note: The provisions of this section do not apply to retail sales of the kind described in section 17.

SEC. 13. Delivered sales; shipment by private truck. (a) When you sell on a delivered basis, shipping your lumber in a truck which you own or hire, the delivered ceiling prices are the f. o. b. prices set forth in sections 45 through 55, plus an addition determined as follows:

(1) For distances of 10 miles or less, as much as \$3.00 per M'BM.

(2) For a distance greater than 10 miles and as far as 20 miles, as much as \$4.00 per M'BM.

(3) For a distance greater than 20 miles and as far as 30 miles, as much

as \$5.00 per M'BM.

(4) When the distance is greater than 30 miles, as much as an addition computed in the manner set forth in section 12, using applicable common or contract

carrier truck rates.

(b) "Distance" defined. As used in this section, the term "distance" refers to the actual mileage from your mill or plant to the point of destination as measured by truck speedometer. It does not include the return mileage from the point of destination to your mill or plant. The term "point of destination" includes a yard or job site.

Note: The provisions of this section do not apply to retail sales of the kind described in section 17.

SEC. 14. Delivered sales; basing point rates. Notwithstanding the provisions of sections 12 and 13, when you sell on a delivered basis and you ship your lumber by common or contract carrier or by private truck, you may compute an addition for transportation, which may be added to the f. o. b. prices set forth in sections 45 through 55, by multiplying the appropriate established weight by the applicable rail freight rate in effect at time of shipment from one of the basing points shown below to the point of final destination, provided that the indicated conditions are satisfied:

(a) When a shipment of lumber covered by this regulation, except Douglas Fir and White Fir lumber, to a point of final destination in California originates at a mill or plant in California from which the rail freight rate to the California point of final destination is less than the rail freight rate from Klamath Falls, Oregon, and Susanville, California, to the same destination, you may use either the applicable rail freight rate from Klamath Falls, Oregon, or Susanville, California, to the point of final destination; but in choosing between the Klamath Falls and Susanville rates, you must use the rate which produces the smaller transportation addition to the point of final destination.

(b) When a shipment of Douglas Fir or White Fir lumber covered by this regulation, to a point of final destination in California, originates at a mill or plant in California, Oregon, Washington, or Nevada from which the rail freight rate to the California point of final destination is less than the rail freight rate from Portland, Oregon, to the same destination, you may use the applicable rail freight rate from Portland, Oregon, to

the point of final destination.

(c) When a shipment of lumber covered by this regulation originates at a plant or mill in South Dakota, Wyoming, Colorado, Utah, Arizona, or New Mexico from which the rail freight rate to the point of final destination is less than the rail freight rate from Spokane, Washington, Klamath Falls, Oregon, and Susanville, California, to the same destination, you may use the applicable rail freight rate from Spokane, Klamath Falls, or Susanville to the point of final destination; but in choosing between the Spokane, Klamath Falls, and Susanville rates, you must use the rate which produces the smallest transportation addition to the point of final destination.

Note: The provisions of this section do not apply to retail sales of the kind described in

Sec. 15. Mixed car or mixed truck shipments-(a) Addition to f. o. b. ceiling prices. When you make a mixed car or mixed truck shipment as defined in paragraph (b) of this section, the otherwise applicable ceiling prices are increased \$3.50 per M'BM.

(b) Meaning of terms-(a) Mixed car shipment. A mixed car shipment consists of four or more of the items shown in subparagraph (3) of this paragraph, each of which contains at least one thousand board feet of lumber.
(2) Mixed truck shipment. A mixed

truck shipment consists of four or more of the items shown in subparagraph (3) of this paragraph, each of which contains at least 250 board feet of lumber.

- (3) Item. Each of the followingnumbered groups of lumber products constitutes a separate item for the purposes of a mixed car or a mixed truck shipment under this section. In this connection, there are no requirements that the lumber products involved be derived from a single species covered by this regulation, or that all the lumber products listed within a numbered group be involved in a particular shipment:
 - (i) Dimension.
 - (ii) Plank and timbers. (iii) Commons and box.
 - (iv) Selects.
 - (v) Pattern stock.
 - (vi) Siding.
 - (vii) Lath.
 - (viii) Casing, base and moldings.

Sec. 16. Stop-over car loadings-(a) Addition to f. o. b. ceiling prices. If you do not charge for making a mixed car or mixed truck shipment (see section 15), you may add as much as \$2.00 per M'BM to the f. o. b. ceiling prices set forth in sections 45 through 55 whenever you load lumber on a railroad car partially loaded with another seller's lumber which has been stopped in transit to enable you to load your lumber.

SEC. 17. Retail sales; (a) Increased ceiling prices. You may determine your ceiling prices on retail sales as defined in paragraph (b) of this section by adding \$9.00 per M'BM to the basic prices set forth in sections 45 through 55. If you determine your ceiling price for a retail sale under this section, you may not make any of the additions provided in sections 11 through 16.

(b) Definitions and limitations. As used in this section, a retail sale is a sale of less than 20,000 feet BM delivered by truck to a buyer who is contractor or ultimate consumer and who will use the lumber for construction or maintenance; it is not a sale to a commercial or industrial user for use in manufacturing; nor is it a sale to a buyer who purchases the lumber for resale. The total quantity of lumber involved in a single transaction or sale, between you and a retail buyer, without regard to the quantities involved in single deliveries, shall determine whether or not a sale qualifies as a retail sale within the meaning of this section.

If you determine your celling price for a retail sale as allowed in paragraph (a) of this section, you must:
(1) Deliver the lumber to a job site at

such time and in such manner as the buyer specifies;

(2) Give the buyer the privilege of exchanging and returning unused lumber: and

(3) Rectify promptly any short deliveries from stocks you keep on hand for this purpose.

Sec. 18. Commission-type sales. When a sale of your lumber is brought about by the efforts of a lumber commission man, your ceiling price is the otherwise applicable ceiling price on the lumber sold plus four percent of the f. o. b. ceiling price. However, the amount which you may charge the buyer, pursuant to this section, over and above the otherwise applicable ceiling price, may not exceed the actual commission which you pay the lumber commission man. The term "lumber commission man" is defined in section 40.

SEC. 19. Pricing rules. You must apply the following rules in determining ceiling prices under this regulation:

(a) When an order does not specify a particular grade of lumber, you may not ship, or charge for, lumber graded higher than No. 2 common, and your charge shall be only for the grade or grades actually shipped.

(b) When a shipment is made which contains a greater percentage of short lengths than that permitted by this regulation for random lengths, you must price the excess short lengths separately at no more than their appropriate ceiling prices in order to sell the balance as random lengths.

(c) In all random length shipments, you may not charge more than the appropriate ceiling prices for the average

length shipped.

(d) When a buyer waives moisture content requirements, you may not charge more than the appropriate ceiling price for green lumber; but in that case, when lumber is sold on a delivered basis, you may use the appropriate established weights for green lumber in computing transportation charges.

SEC. 20. Discount for cash. If the buyer pays cash, your ceiling prices determined under other provisions of this regulation are reduced by the amount of the discount which, during the period from January 25, 1951, through February 24, 1951, you allowed a purchaser of the same class for the payment of cash within the same period of time. If you were not in business between January 25, 1951, and February 24, 1951, your ceiling prices determined under other provisions of this regulation are reduced by 2 percent for cash payment within 10 days from date of invoice or date of bill of lading, whichever is later.

MISCELLANEOUS PROVISIONS

Sec. 30. Ceiling prices for special transactions—(a) Application. If you

cannot ascertain a ceiling price for lumber subject to this regulation under any other provision of this regulation, as, for example, should you wish to sell lumber with special workings, specifications, services, or other extras not specifically mentioned in this regulation, you must file an application with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for approval of a special ceiling price. Your application must be made by registered letter, return receipt requested, and must set forth the relevant facts, including the following:

(1) As complete a description as possible of the lumber for which the application is filed. This should include the species, grade, condition, measurements, and quantity of the lumber, together with a detailed description of the workings, specifications, services, or other extras

involved.

(2) Your proposed ceiling price, together with a statement indicating why you believe it is in line with the level of prices established under this regulation.

(3) Your ceiling prices to your largest buying class of purchaser, under the General Ceiling Price Regulation, both for the item in your application and for the most comparable item priced in this regulation.

(4) The proposed use to which the buyer will put the lumber for which you are proposing a special ceiling price.

- (b) Quotation of proposed prices. After an application has been filed under this section, and before action by the Director of Price Stabilization, you may sell your lumber at the ceiling price proposed in your application: Provided, That you agree to, and later, refund to the buyer, the amount, if any, by which your proposed price exceeds the ceiling price established by the Director of Price Stabilization.
- (c) Action by the Director of Price Stabilization. (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 20 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to nonretroactive disapproval or modification at a later time.

(3) Approval of applications by the Director under this section are subject to a satisfactory showing that proposed prices are in line with the level of prices otherwise established by this regulation.

(d) Effect on other transactions. A special ceiling price approved pursuant to application made under this section shall be the ceiling price for all like future transactions between the same seller and buyer, unless a specific ceiling price for similar lumber shall be established by changes in this regulation, or unless the approval is subsequently revoked or

modified by the Director of Price Stabilization.

SEC. 31. Modification of proposed celling prices by Director of Price Stabilization. The Director of Price Stabilization may at any time disapprove or reduce ceiling prices established under section 30 of this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 32. Exports. The ceiling prices for export sales and sales for export of lumber covered by this regulation are controlled by Ceiling Price Regulation 61 issued by the Office of Price Stabilization.

SEC. 33. Petitions for amendment. If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, revised.

SEC. 34. Adjustable pricing. Nothing in this regulation prohibits you from making a contract or offer to sell lumber subject to this regulation at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 35. Records—(a) Current records. On and after the effective date of this regulation, every person who sells and every person who in the regular course of business buys products covered by this regulation, shall make and keep for inspection by the Director of Price Stabilization, for a period of two years, accurate records or invoices of each sale or purchase made in any month in which the seller sold, or the buyer bought 20,000 board feet or more of lumber subject to this regulation. The records must show:

(1) The dates of sales or purchases:

(2) The names and addresses of the

sellers and buyers;

(3) The kind of sales involved, i. e.,

delivered or f. o. b.;

(4) A description (i. e., the grade, condition, dressing, quantity, etc.), of the lumber sold or bought;

(5) The prices charged or paid, including all additions, extras, and discounts;

(6) The point of origin and point of destination of the shipment, the means of transportation used, the amount of any additions for transportation, and the basing point, if any, upon which the transportation addition may have been computed.

The retention by a buyer of an invoice furnished by a seller, which includes the factual information required to be made a matter of record by this paragraph, shall be considered as compliance with the provisions of this paragraph.

(b) Existing records. You shall also continue to preserve, for the applicable periods indicated in section 16 of the General Ceiling Price Regulation, all records which you made and kept under the provisions of section 16 of the General Ceiling Price Regulation.

SEC. 36. Invoices. (a) On all sales of lumber covered by this regulation, you must submit an invoice to the buyer which includes a description of the lumber. Any working, specification, extras, or services which bear upon the price charged for your lumber must be separately set forth on the invoice, but the invoice need not separately show the charge for such items.

(b) For sales made on an f. o. b. basis, in addition to the information required by paragraph (a), your invoice must

show the f. o. b. price.

(c) For sales made on a delivered basis, in addition to the information required by paragraph (a), your invoice must show:

(1) The delivered price;

(2) The destination of the shipment; and

(3) The applicable rail or truck freight rate.

SEC. 37. Interpretations. If you want an official interpretation of this regulation, you should write to the District Counsel of the local OPS District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, revised.

SEC. 38. Prohibitions and violations.

(a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages. Prices lower than the ceiling prices may be charged, paid,

or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling prices may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or

of the various penalties for failure to do so.

SEC. 39. Evasions. Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

Sec. 40. Definitions. (a) This regulation and the terms which appear in it shall be construed in the following manner:

(1) Director of Price Stabilization. This term extends to any official (including officials of Regional or District Offices) to whom the Director of Price Stabilization, by order, delegates a function, power, or authority, referred to in this regulation.

(2) Lumber commission man. This term means a person who customarily sells lumber in carload quantities for two or more manufacturers, who receives his compensation from the manufacturer in the form of a commission based on the amount of lumber sold, and who operates independently of both buyer and seller.

(3) Manufacturer. This term means any person who produces or concentrates lumber subject to this regulation. The verb "manufacture" shall be construed accordingly. A lumber concentrator receives rough green lumber from small producers, and prepares it for commercial shipment,

(4) Person. This term includes any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of the foregoing, and the United States and any other Government on their political subdivisions or agencies.

(5) Records. This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(6) Sell. This term includes sell, supply, dispose, barter, trade, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" and "purchase" shall be construed accordingly.

(7) You. The pronoun "you" indicates any person who manufactures lumber subject to this regulation. The term "your" and "yours" shall be construed accordingly.

SEC. 45. F. O. B. Ceiling prices; Ponderosa pine lumber—(a) Nomenclature.
All grade and size terms appearing in this section refer to, and have the mean-

ings given in, Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951) (b) Ceiling price tables. The following are the f. o. b. ceiling prices per one thousand feet board measure, or other measure where indicated, of Ponderosa pine lumber covered by this regulation:

TABLE 1.—SELECT GRADES (PONDEBOSA PINE)

R. L. S2S or S4S	4/4	5/4	6/4 and 7/4	8/4	10/4	12/4	16/4
Nos. 1 and 2 Clear (B and Better):							
	\$252, 50	\$200.50	\$262,50	\$272,50			
3"	254.50	252, 50	262.50	272.50	*********		
4"	245, 00	255.00	255, 00	265, 00	\$300.00	\$310.00	\$320, 0
Arr.	255, 00	265.00	265.00	275.00	310.00	320.00	330.0
611	247, 00	255, 00	255, 00	265, 00	300,00	310,00	320.0
8"	250, 00	260.00	260.00	270,00	305, 00	315.00	325.0
10"	255, 00	265.00	265, 00	275, 00	310.00	320,00	330.0
10"	265, 00	275.00	275, 00	285, 00	320.00	330,00	340.0
R/W. 4" and wider	250, 00	255, 00	255,00	265,00	300.00	310.00	320.0
3 Selects:	DAMES.	1000	2000 000	444.40	No. of Concession, Name of Street, or other Persons, Name of Street, or ot	10000	TON
3"	242.50	252, 50	252, 50	252.50	*********	*********	200000000
	244, 50	252, 50	252, 50	262, 50 255, 00	290, 00	300.00	310.0
4"	235, 00	245, 00 255, 00	245, 00 255, 00	265, 00	300.00	310, 00	320.0
	245, 00 237, 00	245, 00	245, 00	255, 00	290,00	300.00	310.0
8''	240.00	250,00	250, 00	260.00	295.00	305,00	315.0
8	245, 00	255, 00	255, 00	265, 00	300.00	310.00	320.6
10" 12" and 13" and wider	255, 00	265,00	265.00	275.00	310,00	320.00	330.0
12" and 13" and wider	240.00	245, 00	245, 00	255, 00	290.00	300.00	310.0
R/W, 4" and wider	240.00	290,00	210,00	and 0. 100	480,00	000.00	- Marie
2"	217. 50	227.50	227, 50	237. 50			
3/1	219, 50	227, 50	227.70	237, 50		*********	
2" 3" 4"	210, 00	220, 00	220, 00	230.00	265,00	275, 00	285.1
b"	220.00	230.00	230, 00	240.00	275.00	285, 00	295,
6"	212.00	220.00	220, 00	230.00	265, 00	275.00	285.
6"	215.00	225, 00	225, 00	235.00	270.00	280,00	290,
10"	220, 00	230.00	230, 00	240,00	275.00	285, 00	295,
	230,00	240,00	240.00	250, 00	285, 00	295.00	305.
12" and 13" and wider	200			0000 000	MARK ON	APPRICATE AND A	
10" 12" and 13" and wider. R/W. 4" and wider D and Better Short Selects, 4' to 9' S2S 1 x 3" and wider. 4 and thicker, 4" and wider.	- 0.00	220.00	220.00	230.00	265, 00	275. 00	285, (\$170. (
D and Better Short Selects, 4' to 9' S2S 1 x 3" and wider	or 848	220.00	Deduc	st \$2.00, st 10 percer	at from dry	price.	\$170.0
D and Better Short Selects, 4' to 9' S2S 1 x 3'' and wider. 54 and thicker, 4'' and wider. 54 and thicker, 4'' and wider. Condition: 1. Rough, all thicknesses 2. Green. Grade differentials: 3. Stsin: Stained Selects that for del B and Better. C or C and Better. D or D and Better. 4. Pitchy Selects 5. Australian Clears. Widths: 6. Specified widths: Specified widths:	or S4S	than stain	Deduc	st \$2.00. st 10 perces st \$5.00 fros st \$5.00 fros st \$5.00 fros st \$5.00 fros	at from dry m price of a price of m price of m price of m price of	price. B and Bett	\$170.0 170.0
D and Better Short Selects, 4' to 9' S2S 1 x 3" and wider	or 848	than stain	Deduc	tt \$2.00, tt 10 percet it \$5.00 fros tt \$5.00 fros tt \$5.00 fros tt \$5.00 fros 2.00, 3.00 to \$",	at from dry an price of an price of an price of m price of an price of m price of	price. B and Bett	\$170. c
D and Better Short Selects, 4' to 9' S2S 1 x 3" and wider	or 848	than stain	Deduc	tt \$2.00, tt 10 percet it \$5.00 fros tt \$5.00 fros tt \$5.00 fros tt \$5.00 fros 2.00, 3.00 to \$",	at from dry an price of an price of an price of m price of an price of m price of	price. B and Bett	\$170. \$70.
D and Better Short Selects, 4' to 9' S2S x 3" and wider 14 and thicker, 4" and wider 15 and thicker, 4" and wider 16 and thicker, 4" and wider 17 and wider 18 and Better 18 and Better 19 and	or S4S	than stain	Deduc	at \$2.00, at 10 percet at \$5.00 fros at \$5.00 fros at \$5.00 fros at \$5.00 fros 2.00, 3.00 to \$", 3.00 to \$",	at from dry m price of in price of m m price of of m price of m price of m price of m price of 10", and	price. B and Bett	\$170. 170.
D and Better Short Selects, 4' to 9' S2S x3" and wider is and thicker, 4" and wider is and thicker, 4" and wider Condition: 1. Rough, all thicknesses 2. Green Grade differentials: 3. Stain: Stained Selects that for del B and Better D or D and Better D or D and Better 4. Pitchy Selects 5. Australian Clears Widths: 6. Specified widths over 12", if 12" price 12" price Odd widths, 7", 9", and 11". 7. Special random width: (" and wider	or S4S	than stain	Deduc	at \$2.00, at 10 percet at \$5.00 fros at \$5.00 fros at \$5.00 fros at \$5.00 fros 2.00, 3.00 to \$", 3.00 to \$",	at from dry m price of in price of m m price of of m price of m price of m price of m price of 10", and	price. B and Bett	\$170. 170.
D and Better Short Selects, 4' to 9' S2S x3" and wider is and thicker, 4" and wider is and thicker, 4" and wider Condition: 1. Rough, all thicknesses 2. Green Grade differentials: 3. Stain: Stained Selects that for del B and Better D or D and Better D or D and Better 4. Pitchy Selects 5. Australian Clears Widths: 6. Specified widths over 12", if 12" price 12" price Odd widths, 7", 9", and 11". 7. Special random width: (" and wider	or S4S	than stain	Deduc	at \$2.00, at 10 percet at \$5.00 fros at \$5.00 fros at \$5.00 fros at \$5.00 fros 2.00, 3.00 to \$", 3.00 to \$",	at from dry m price of in price of m m price of of m price of m price of m price of m price of 10", and	price. B and Bett	\$170. 170.
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D and Better Short Selects, 4' to 9' S28 i x 3" and wider. 14 and thicker, 4" and wider. 15 and thicker, 4" and wider. 16 Corect State of the selects that for del B and Better. 17 C or C and Better. 18 D or D and Better. 20 Or D and Better. 30 D or D and Better. 40 Pitchy Selects. 51 Australian Clears. Widths: 52 pecified widths: 53 Specified widths: 54 Specified widths: 55 Specified widths: 65 Specified widths: 67 Special random widths: 68 Special random widths: 68 Special random widths: 69 and wider. 69 and wider. 61 and wider. 61 and wider, same as 12" par 14" and wider.	or S4S	than stain	Deduc Deduc Deduc Deduc Deduc Deduc Deduc Deduc Add \$	at \$2.00, at 10 percer at \$5.00 from \$5.00 from \$5.00 from \$5.00 from \$5.00 from \$5.00 from \$2.00, \$3.00 to \$4, \$5.00 for \$3.00 to \$4, \$5.00 for \$2, \$5.00 for \$4, \$5.00 for \$4, \$5.00 for \$4, \$5.00 for \$4, \$5.00 for \$4,	at from dry a price of a price. W price. W price. W price. W price. W price.	price. B and Bett	\$170. 170.
D and Better Short Selects, 4' to 9' S2S 1 x 3" and wider	sects other	than stain	Deduction Deduct	at \$2.00, at 10 percet it \$5.00 frost \$5.00 frost \$5.00 frost \$5.00 frost \$5.00 frost \$5.00 for \$5.00 to R/1 \$5.00 to R/1 \$5.00 to B/1 \$5.00 to 12 \$5.00 to 12	at from dry m price of in price of in price of m price of m price of m price of io", and w price, w price, " price,	price. B and Bett	\$170. 170.
D and Better Short Selects, 4' to 9' S2S 1 x 3" and wider	sects other	than stain	Deduction Deduct	at \$2.00, at 10 percet it \$5.00 frost \$5.00 frost \$5.00 frost \$5.00 frost \$5.00 frost \$5.00 for \$5.00 to R/1 \$5.00 to R/1 \$5.00 to B/1 \$5.00 to 12 \$5.00 to 12	at from dry m price of in price of in price of m price of m price of m price of io", and w price, w price, " price,	price. B and Bett	\$170. 170.
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D and Better Short Selects, 4' to 9' S2S 1 x 3" and wider. 14 and thicker, 4" and wider. 25 Green Grade differentials: 3. Stain: Stained Selects that for del B and Better. C or C and Better. D or D and Better. 4. Pitchy Selects. 5. Australian Clears. Widths: Specified widths: Specified widths over 12", 12" price. Odd widths, 7", 9", and 11". 7. Special random widths: 8" and wider. 10" and wider. 12" and wider, same as 12" part 14" and wider. 12" and wider, same as 12" part 18" and wider. 18" and wider. 18" and wider. 18" and wider. 22" and wider.	tects other	than stain	Deduce De	at \$2.00, at 10 percer it \$5.00 fros t \$5.00 fros t \$5.00 fros t \$5.00 fros t \$5.00 fros 2.08, 3.00 to \$7, 5.00 to \$1, 10.00 to \$2, 10.00 to \$2, 10.	at from dry m price of in price of in price of m price of m price of m price of io", and w price, w price, " price,	price. B and Bett	\$170. \$70.
D and Better Short Selects, 4' to 9' S2S 1 x 3" and wider. 14 and thicker, 4" and wider. 25 Green Grade differentials: 3. Stain: Stained Selects that for del B and Better. C or C and Better. D or D and Better. 4. Pitchy Selects. 5. Australian Clears. Widths: Specified widths: Specified widths over 12", 12" price. Odd widths, 7", 9", and 11". 7. Special random widths: 8" and wider. 10" and wider. 12" and wider, same as 12" part 14" and wider. 12" and wider, same as 12" part 18" and wider. 18" and wider. 18" and wider. 18" and wider. 22" and wider.	tects other	than stain	Deduce De	at \$2.00, at 10 percer it \$5.00 fros t \$5.00 fros t \$5.00 fros t \$5.00 fros t \$5.00 fros 2.08, 3.00 to \$7, 5.00 to \$1, 10.00 to \$2, 10.00 to \$2, 10.	at from dry m price of in price of in price of m price of m price of m price of io", and w price, w price, " price,	price. B and Bett	\$170. \$70.
D and Better Short Selects, 4' to 9' S28 I x 3" and wider 4' and thicker, 4" and wider Condition: 1. Rough, all thicknesses. 2. Green Grade differentials: 3. Stain: Stained Selects that for de B and Better. D or D and Better. D or D and Better. 5. Australian Clears. Widths: 6. Specified widths: Specified widths over 12", in 12" price. Odd widths, 7", 9", and 11". 7. Special random widths: (" and wider 19" and wider 29" and wi	sects other	than stain	220.00 220.00	at \$2.00, at 10 percer at \$5.00 frost \$5.00 frost \$5.00 frost \$5.00 frost \$5.00 frost \$5.00 frost \$5.00 for \$2.00, \$3.00 to R/1 \$5.00 for B/1 \$10.00 to 12 \$25.00 to 12 \$25.00 to 12 \$30.00 to 12	at from dry m price of in price of in price of m price of m price of m price of io", and w price, w price, " price,	price. B and Bett	\$170. \$70.
D and Better Short Selects, 4' to 9' S2S 1 x 3" and wider. 54 and thicker, 4" and wider. 54 and thicker, 4" and wider. 55 C or C and Better. C or C and Better. D or D and Better. 4. Pitchy Selects. 5. Australian Cleurs. Widths: Specified widths: Specified widths over 12", 5 12" price. Odd widths, 7", 9", and 11". 7. Special random widths: 8" and wider. 19" and wider. 19" and wider, same as 12" part 14" and wider. 18" and wider, same as 12" part 18" and wider. 18" and wider. 18" and wider. 22" and wider.	sects other	than stain	220.00 Deduc Ded	at \$2.00. at 10 percet it \$5.00 fros \$5.00 to R/1 \$5.00 to R/1 \$5.00 to R/2 \$5.00 to R/2 \$5.00 to R/3 \$5.00 to 12	at from dry m price of in price of in price of m price of m price of m price of io", and w price, w price, " price,	price. B and Bett	\$170. 170.

TABLE 2-SHOP LUMBER (PONDEBOSA PINE)

___ Add \$5.00.

S2S RW and RL	4/4	5/4	6/4 and 7/4	8/4	10/4	12/4	16/4
No. 3 Clear	\$140,00 100,00 85,00	\$177, 00 138, 00 107, 00 78, 00	\$177.00 138.00 107.00 78.00	\$192.00 149.00 115.00 78.00	\$207. 00 164. 00 130. 00 93. 00	\$217. 00 174. 00 140. 00 103. 00	\$227.00 184.00 150.00 113.00

Condition:	
1. Rough:	EC VICEN
No. 3 Clear, all thicknesses	Deduct \$2.00.
4/4 No. I and No. 2 Shop.	Deduct \$1.00.
5/4 and Thicker No. 1 Shop	Dednet \$2.00.
5/4 and Thicker No. 2 and No. 2 Shop	Disduct \$1.00.
2. Green	Deduct 10 percent from dry price
Grade differentials:	
9 Stainads	
4/4, all grades	Dednet 5 percent from dry price.
5/4 and thicker, all grades.	Deduct 10 percent from dry price
Are and thicker, all grades,	TARITHER TO BELLEVING STREET SELLS

9. Restricted random lengths: 10' and longer 4/4" and thicker...

			22.124	884.00	1 K K K	40.00			-scale as 2",		20-20	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
			2 x 10"	88£ 00	8888	-			194" prices-		2234	25 25 25 25 25 25 25 25 25 25 25 25 25 2
			10 H	885.00	8888	2000	price of 12".		per M from	KE) GREEN	19-18-30	25 25 25 25 25 25 25 25 25 25 25 25 25 2
	SEAL STEAL SEAL	SEAR. ST.St. ST.St. No widdislan.	2x 6"	884.00	8888	name .	Deduct \$2.00. Deduct \$6.00. Anisi \$10.00. Add \$2.00 to price of 12°.	Add St.m. Add St.m. Add St.or.	Deduct \$2.00 per M from 114" prices-	Add \$9.00.	8-12-14	\$86.00 \$90.00 \$9
			ON (PONDER	\$52.00	8888	8	d.			TIMBERS (F	BL	28.88.88.88.88.88.88.88.88.88.88.88.88.8
Thirtxness: 8. Additions to 4M price for all widths:	No. 1 Common No. 1 Common Bold, 124 and 164 No. 2 Common Ke, 64, 74 and 89	No. 1244 and 1644 No. 3 Common: 504, 647, 74 and 544 104, 124 and 164 No. 4 and No. 5 Common: No. 44, 647, 71 and 54 104, 124 and 1644	TARLE 4-DIMENSION (PONDERDAA PINE) DET	The state of the s	No. 2 Permitting Up to 27% No. 2 No. 2 No. 3 No. 4	COS. Secretarios and secretari	Condition: 1. Rough 2. Ores Grade Differentials: Widths 4. Wider than listed; For each 2" wider than listed	A. Specified lengths: 8, 10', 12' and 19' 18' and 20'	Thickness 6. For 194e" (All grades) Working	7. Worked to pattern. Tarle 3-No. I Plane and Timbers (Pondersola Pine) Green	SISIE or SES	3 x 3" and 3 x 4" 250.00 3 x 6" and 3 x 8" 250.00 4 x 6" and 4 x 8" 250.00 5 x 6" and 4 x 8" 250.00 5 x 6" and 4 x 8" 250.00 5 x 8" and 4 x 8" 250.00 5 x 8" and 4 x 8" 250.00 5 x 8" and 6 x 12" 250.00 6 x 8" and 6 x 12" 250.00 7 x 8" and 6 x 12" 250.00 8 x 8" and 6 x 12" 250.00 9 x 8" and 6 x 12" 250.00 10 x 10" and 4 befores: 10 x 10" and 4 befores: 10 x 10" and 4 befores: 10 x 10" and 6 x 12" 10 x 10" and 6 x 12
	11.20"	1147.00 136.00 101.00 25.00	88.00	888	1	Mx12"	115.00 115.00 84.00 86.00 85.00	H	11/16 x 12"	\$118.00	141	to schlod, cital, cital
	1118"	120 00 12			-	16 x 10"	111.00 111.00 111.00 111.00 111.00 111.00		11,755 x 50°° 1	100.00	888	1. 4" and 20 percent 4' to 8'. 1. 4" and 20 percent 4' to 8'. Add 50.00 to 12" price. Add 50.00 to 8'' 10" and 12" price. Add 50.00 to 8'' 10" price.
	1x16"	125,00 12			Grans)	100	88888	(HOVE)				nt 4' to 8'. Deduct \$2.00. Deduct \$2.00. m which select force. price.
A PINT	1x 14"	824.88 824.88 82.88 83.88 83.88				Hx8"	40	RE (ON C	11/76 x 8"		22.00	to BL pr
TABLE 3 ! (14" COMMON BOARDS (PONDEBOSA	11.12"	212 223 223 233 233 233 233 233 233 233				Mr6"	\$120.00 114.00 82.00 34.00	tes following table 3B. Table 3B—11/16" Common Boards Surface Measure (On Orabit)	11/16 x 6"	\$114.00	11.00	FOOTSOFTES APPLICABLE TO TABLES 3, 34 AND 32 FRW/RL may contain 20 percent 4" and 20 percent 4" to 8". Hondy, add \$10.00 to price of regulation grade from which as not, 13" and wider (40 only). Add \$2.00 to 12" price. Add \$2.00 to 12 price.
D SURFO	1 x 10"	8124.00 115.00 85.00 85.00 85.00			SUBFAC	Mx4"	11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	SULPAC	11/16x4"	114.06 106.00	888	to rases to percent to
NUMBER B	1 = 8"	\$124.00 115.00 \$4.00 \$4.00 \$5.00	1,55.		BOARD	200		IN BOARS				Contain:
AM" Co	11.0"	\$124.00 115,00 \$5,00 \$4,00 \$4,00	54S to 24		Сожжоз	Mand wider	\$68.00 34.00	COMMO	11/15 x 4" and wider		\$63.00 31.00	BL may BL may Th, add El F, and wid F, and wid S, and wid and 20 and 20 and 20 and 20 and 20
ABER 3 1	1 2 4"	\$124.00 115.00 \$1.00 \$1.00	ring table at \$28 or		A L-3C"	10 Mm		ving table	or S4S to 11/10"			POOTS (44 only (144 only
-	1 x 4" and Wider	\$62.00	otes follor rt Comma	£ 10 F.	TABLE SA	828 or 848 to		TABLE 3	S or 848			sned Stool sned S
	R. L. 218 or 848 To 15,27"	No. 2 No. 3 No. 4 No. 4	1 See note and footnotes following table 3B. No. 4 and Better Short Common S2S or S4S to 24522*. 1 x 4" and widet, if 10 9'.	in W and in it		R. L. S1S, S1S2E, S	NNNN S. S. S	1 See note and footnotes following table 3B TARER 3B—11/18" Co	R.L. SIS, SISPE, SIS	No.1 No.2	No. 5	Note: No. 4 and No. 5 Commerce R.W/R.L may contain 20 percent 4" and 20 percent 4" lo S. Condition: 1. Rough. 2. Green. 3. Green. 3. Another Pines Stock (44 only), add \$10.00 to price of regulation grade from which selected widther middle and wider (44 only). 3. Another Pines Stock (44 only), add \$10.00 to price of regulation grade from which selected widther middle and wider (44 only). 3. Another Pines Stock (44 only), add \$10.00 to price of regulation grade from which selected and So. 5 Commen. 13" and wider (44 only). 3. Add \$10.00 to 12" price. 3. Odd widthes II" and wider (44 only). 4. Add \$2.00 to 12" price. 5. Odd widthes II" and wider. 5. Odd widthes II" and wider. 5. Specified chapter. 6. Specified and wider. 6. Specified chapter. 6. Specified chapter. 6. Specified shapter. 6. Specified chapter. 7. Restricted scadom keapter. 6. Specified chapter. 6. Specified chapter. 7. Restricted scadom keapter. 6. Specified chapter. 7. Restricted scadom keapter. 8. Specified chapter. 8. Specifi

							KOLES		EGU			222 1	-				36
	- 55E 00		1366"	\$158,75 148,75 196,25			s given 5, 1949,	White	1x12"	280.00	5/4 x 12"	\$307.00 288.00 265.00	115.00 11				d so sealed
MMM			*	RES			raclatur reaning April 1	Idaho	1 x 10"	SSS	5/4 x 10"	\$296.00 275.00 266.00		price.	uprema. boles. cality. Quality.		price, am
\$15.00 per 3 \$15.00 per 3 \$11.00 per 3 \$14.00 per 3			25%	81.95. 145. 135.		elelel N N N	L. Fer is and 2V length. SEC, 46. F. o. b. celling prices; Idaho White pine lumber—(a) Noncenclature. All grade and size terms appearing in this section refer to, and have the meanings given in, Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951).	cated, of	11.8"	\$274.00 239.00 200.00	Mis.	E251.00 253.00 252.00		Deduct \$2.00. Deduct to percent from dry price.	Stained Scheets that for defects other than stain would grade: Bugnenne. Choice or Choice and Better. Definet \$5.00 from price of Choice. Choice or Choice and Better. Definet \$5.00 from price of Choice. Definet \$5.00 from price of Quality. Definet \$10.00 from price of Quality.	price, price, price, v price,	Add \$1.00 to \$", 10" and 12" price, and so scaled.
	A Post)	PEG)	7/e"	145.13 145.13 145.13	(sea)	\$38.00 per M linest ft. 40.00 per M linest ft. 43.00 per M linest ft.	mber—(and ha	I. o. b. ere indi	116"	2574.00 258.00 258.00	24167	\$288.08 270.08 340.00		act \$2.00. act 10 perces	uct \$5.00 from the \$5.00 from the \$5.00 from the \$10.00 from t	Add \$2.00 to 12" price. Add \$5.00 to 12" price. Add \$5.00 to RW price. Add \$5.00 to RW price.	\$31.00 to S",
EROSA PE	STRUTS (PONDERGOA PINK)	ONDEROR	10	111	THEROSA I	40.00	pine lum? refer to, a ne Associa 50, and Oc	re the	1 x 5"	\$276.00 261.00 255.00	SH X SI	\$256,00 275,00 265,00		Dedr	would free	Add Add	A46
m (Posto	Strains (1	STOCK (P			ans (Pos		White section tern Pin 11 1, 19	wing a	1 x 4"	255.00 256.00 250.00	SHX FL	\$286.00 200.00 201.00			han staln		-
Table, il-Late (Poxderosa Pink) No. 1-20 percent No. 2).	TABLE 12-BARET	TABLE 13-PANEL STOCE (PONDEROGA PINE)			//. Table 14—Battens (Ponderosa Pine)		leagths	les. The following are the 1. o. D. asure, or other measure where ind. his regulation:	1x3"	2001.50 2001.50 2001.50	Sit x Sin	\$256.50 277.50 256.50	25 or 548:		cts other t	Specified widths over 17.: For each inch over 17.: For each inch over 17. For each inch over 18. Special Random Widths, 44 and thicker. Special Random Widths, 44 and thicker. 8' and wider RW	-
TAB roent No.	TABLE I	TARLE L	L 828		TABLE		prices pearing ules of t	les. Ti easure, this reg	1x2"	\$280.50 \$65.50 \$87.50	SHE ST	\$290.50 275.50 254.00	f to 9' 8		at for defe and Bette r and Bette	dths, 443	P
th: (80 pe			RW/RL 828		lengths:		ceiling rule Rolling Rule Rolling Rule Rolling Rule Rule Rule Rule Rule Rule Rule Rule	rice tab oard m			SHIRW	\$281.00 271.00 262.00	and Better Short Selects, if to 9' 825 or S48: " and wider (35 percent 4"). "	W. Desset.	Stained Scheets that for defect Supreme Choke or Choke and Better. Quality or Quality and Hetter Scheets.	s over 12" ch over 12" chandom w a Widths, a R.W	Odd widths, 7", 9", and 11"
No. 1 No. 2 Finos L	RL:				widths and rentials es der table i	10 10	d 3v length i, F. o. b di size te and Gra dementa	illing p	828 or 848				Better Sh	and thicker, RW form Rough, all thicknesses Great.	or Stained Suprem Cholce Cholce Quality 9 Selects.	fied width or each in od wider, all Randon and wider,	widths, 7"
TABLE, II-LATE (POST) 10. 1157-4" No. 1 10. 1157-4" No. 2 10. 1157-42" No. 1 10. 1157-4" Fence Latt: (80 percent No. 1-20 percent No.	S28 or S48-RL:			and Better.	Specified widths and lengths: Use differentials established for M". Select under table 1. TA	2" (0G) Net 2" (0G) Net 2y" (0G) Net	SEC, 46, F. o. b. (grade and size terri in, Standard Grad and supplemented	 (b) Ceiling price tables. The follow thousand feet board measure, or other pine lumber covered by this regulation: TABLE 1—SELECT OR 	RE	Supreme Choice	BL 525 or 845	Supreme Choice Quality	Quality and Better Short 1 14" and wider (35 pt 1 16" 1 16"	Condition: 1. Roug 2. Great Grade differ	a, Stain: For i	Weiths: 5. Speci 7. Speci 8	8. Odd
all	60		10	MOD	1 3					1 10000	**	1 0000					
20.00		1	25. 28 25. 28	D. Harrison and D. Harrison					88	888	131	98,98	ALCOHOL SERVICE SERVIC	4.			Ī
188 88 88		-	\$25.50	D. Harrison and D. Harrison		M	SESEE SESE SESE SESE SESE SESE SESE SESE SESE SESE SESE SESE SES Ses Ses Ses Ses Ses Ses Ses Ses Ses Se		\$170.00	113,00		\$206.00	200 200 200 200 200 200 200 200 200 200		\$10.00		
9	No. 2.	1	825.50	D. Harrison and D. Harrison					\$170,00		dry price.	\$286.00	ALCOHOL SERVICE SERVIC				
9	15 percent No. 2	THE PERSON NAMED IN	835.50	D. Harrison and D. Harrison		B	200000				reent from dry price.		ALCOHOL SERVICE SERVIC	rom dry price. longer.	810.00	on dry price	THE REAL PROPERTY AND ADDRESS OF THE PERSON NAMED IN COLUMN TWO PERSON NAME
9	g not ever 15 percent No. 2.			D. Harrison and D. Harrison		C D E	#33.00 134.00 134.00 135.30 142.00 132.00 132.00 132.00 132.00 132.00 132.00 133.00 134.00 13				duct 30 percent from dry price.		ALCOHOL SERVICE SERVIC	rom dry price. longer.	810.00	on dry price	
9	including not ever 15 percent No. 2.			D. Harrison and D. Harrison		D E	#18.00 #1				Deduct 81.00. Deduct 10 percent from dry price.		ALCOHOL SERVICE SERVIC	rom dry price. longer.	810.00		The same of the sa
	n of No. 1 and No. 2 Box including not ever 15	Widths: 4. Specified widths, no addition.	A-Short Box (Ponderosa Pine)	D. Harrison and D. Harrison	3. May be sold on actual board measure south, or may be sold on weight eguing 4,000 ton per 1,000 in, or rough stock. TABLE 7—BEYEL SINDERORA FINE)	C D E	#33.00 134.00 134.00 135.30 142.00 132.00 132.00 132.00 132.00 132.00 132.00 133.00 134.00 13	Lengths: 1. B and Btr., C and D may contain 30 percent 3' to 8!4' in multiples of \$''. 2. E may exclude 35 percent 3' to 8!5' in multiples of \$''. Restricted Handom Lengths: 9' and longer. Add \$5.00.	SSS or SAS-RW/RLC TARLE S-Moundaws Stock (Poundaces, Purk) 5170,00	isker.	Rough Green. Deduct 81.00. Green. Green. Green. Green. Green. Green.	-RW/RL	ALCOHOL SERVICE SERVIC		810.00	on dry price	The state of the s

							\$4			1966"	\$1.75.15 152.75 152.75	196.00	188
							Dia.	888888	3. to 855	11			8
1000000000	R N						Quality	FREEE	d 20% of	184"	\$166 1.00 15 1.00 15	ection 4	Deduct \$1.00. Deduct \$1.00. Venus. Park) \$40.50 per M linear ft. \$41.00 per M linear ft.
Add \$2.00 to RL price. Add \$4.00 to RL price. Add \$4.00 to RL price. Add \$2.00 to RL price. Add \$2.00 to RL price. Add \$5.00 to RL price.	Add \$2.00 to RL prior.						Choice	888888 888888	104 6° NO		10 10 15	table 1, 1	cent frot linear ft. inear ft.
Add \$200 to 7 Ad	Add \$2.00 to RL price.	A445 80.00. A445 835.00.	57.00	A ddd \$15,00. A ddd \$20,00. A ddd \$20,00.	Add St.or. Add St.or. Add St.or.	No addition.	Time	888888	multiple rs Prox)	25.6"	\$1,750 147,135	Spi Selects, tal	Deduct \$1.00. Deduct 10 percent fro Neura Port) \$40.50 per M linear ft. 42.00 per M linear ft.
Add Add	- Add	Add	A66		NAME OF THE PERSON OF THE PERS		Supreme	Second .	ngths in Ro Wer		111	thed for 5/8 (Inamo W	
T. Specified langths: T. Specified langths: Calonial, Sociene and Standard: S. W. and W. S. 10, 12, and 18 S. W. and 12' - 10, 12, 18 and 20 S. W. and 12' - 10, 12, 18 and 20 Ett and thicker: All widths S. 10, 12, 14, 18 and 20' Utility and Industrial. 44 and thicker:	8. Restricted Random Nungths. 19. and Americal Restricted and the Restricted Restricted and the Restricted Restricted and Restricted Restricted and Restricted Restri	Thickness Thickness to 44 prices 9. Addition to 44 prices Colomial, all widths enough 5": 10. 64, 14, 14 and 84 104 and 124.	Steriller, all widther.	2004 1224 144 M.M.	Standard, all widths: ### Standard Standard #### Standard ##################################	MA, 124 and 184. TABLE 4-BEVEL SDEED (DARD	74.0" x +4.0", SM 3" and longer	M. x 4. M. x 5. M. x 7. M. x 6. M. x 7. M.	1. Supreme, Choice and Quality may contain even and odd lengths in multiple of 6" and 20% of 2 to 855. 2. E may contain 30% 2 to 854 in multiples of 6". 3. Restricted random lengths: 9" and lenger—Add 85.00. TARIE 3—PAREL STOCK (DARO WHITE PINK)	RW/RL 828	Supreme Cubote Carolina Guality	this and kegula, use differentials establic Tanta 6-Montauro, Sroce	Self Self Self Self Self Self Self Self
1	16/4	888 888		1614	200.00 200.00 170.00 117.00		from dre		1 r 13" and wider BW	\$178.00			Add \$2.00 to 13" and wider price for each inch cover 12". Use 12" price. Add \$2.00 to 12", and 12" price and so scaled. Add \$2.00 to 12", and wider price. Add \$2.00 to 12 x 4" and wider price.
dd lengt	-	570.00 60.00 40.00		101	220.00 230.00 163.00 112.00		1		1 x 12"	E SE	888888 888888		rice for rice and C scale a
percent o	12,4			22		net \$2.00	Deduct \$2.00. Deduct \$2.00. Deduct \$1.00.	price. Deduct 5 percent. Ochact 10 percent.	1110"	\$1150	108 00 14 102 00 14 103 00 14		Add \$2.00 to 13" and wider price over 12". Use 12" price. The 12" price. The 22" price at least lower width price, sea Add \$2.00 to 1" will wider price. Add \$2.00 to 1 x 4" and wider price.
IL price	30/10	\$0.00 \$1.00	1520	10/4	\$200.00 215.00 132.00 108.00	Ded		Ded Ded	11.8"	\$145.00	25 25 25 25 25 25 25 25 25 25 25 25 25 2	nt 4' to 8'	A COLUMN
55.00. 15.00. 15.00. 25.00 to F		\$20.00 20.00 10.00	re Prove		\$239.00 174.00 127.00 90.00			Viore I	1x 6"		888888 888888	F" and 20 perces Deduct \$2.00. Deduct \$1.00.	Add \$2.00 to 13" Over 12"; Price. Use 12"; Price. Price at least 8% Add \$2.00 to 13. Add \$2.00 to 13.
Add Ston. Add Ston. Add Ston. Add Ston. Add Ston. Add Ston.	8/4		SO WET	8/4		-		P OHYG	No.	\$145.00		. Dedu	Add 1
shorter:	3/6	None None None	ER CDA	15	\$217.00 164.00 116.00 80.00	-		OARDS (11.6"	\$147.00	88888 88888	0 percent	oly)
w 5 percen			TABLE 2-SHOP LUKERR (IDARO WRITE PINE)	35	153.00 115.00 89.00	- Designation of the last of t	P	I grades. Table 3-44 Common Boards (Dario White Pink)	and wider		\$74.00 \$6.00 \$0.00	G contain 2	(4 ealy)
dioetist			ABIE 3-			Burness	(a, 3 She	1			-R15)	(RLms	mdsrd (4 incker (0 r6" and
and 14" 19' and 19' 19' and 19' 14' and 19' may contain			100	5	\$155,00 105,00 90,00	thickness	o, 1 Shop o, 2 and b	pr r, all grad Tann	to 25,93°		(4) to 9'-	estrial R.W.	ne over 12 transfer 11 transfer 12 transfer 11 transfe
Add Stan. Add Stan. Specified Smither We and 20' Add Smith. See and 20' Add Smith. Ad		Supreme Choice Quality		BW and RL S28	No. 3 Clear No. 1 Shop No. 2 Shop No. 3 Shop	Condition: 1. Rough: No. 3 Clear, all	54 & theker, No. 1 Shop. 54 & theker, No. 2 and No. 3 Shop.	Grade Differentials: 2. Shin: For Shined Shop: 14, all grades. 5.4 & thicker, all grades. TARLE 3.	RL 325 or 845 to 25,52%	Colonial	Standard. Utility Standard and Better Spaces (V to V-RL). Utility Shorts (V to V-RL). Industrial.	Norm.—Utility and Industrial RW/RL may contain 20 percent 4" and 20 percent Condition: L Rough, less than 8/4. 2. Rough, 5/4 and thicker. Deduct \$2.50.	Widths: 4. Specified even widths over 12" Colomial, Stering and Standard (444 ealty) Colomial, Stering and Standard (444 ealty) 5. Specified dots widths: 15' will wide: 15' will in 544 and thicker (Colomial only). 6. Special Random widths: Utility and Industrial, 1 x 6" and wider (444 only).

TARLE S-LATE (IDABO WEITE PINE)

Constitution of the last	1000	1	of some	1000
100	0. Lanconstant and the part of	TOTAL PART OF THE	ALESO DEL PROPERTO	-y' Fence Lath (80 percent No. 1-20 percent No. 2) 1940 per m. per
-	1		7.	
	1	-	1	1
	1	-	11	0. 23
	1	-	10	20 10
	1	-	1	
	1	-	-	180
	-	-	-	4
	1	1	20000	Z H
	1	1		Seron
	1	The latest	- Section	(89.1
	1	Section of the latest and the latest	" No. 1	相外
	110	12	Vo. 1	neel
	S.	SZ	No. of	7.80
	Į	I	部一なが	は十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二
	E IS	A III	M H	R IS
	7	PAR .	*	26

TABLE 9-BAREY STRIPS (IDAHO WHITE PINK)

SES or SES RL, o' to 20' (May contain 25 percent 0' and 8'): 1 x 4" and 1 x 6".

SEC. 47. F. o. b. ceiling prices; Sugar pine lumber—(a) Nomenclature. All grade and size terms appearing in this section refer to, and have the meanings given in, Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951).

(b) Ceiling price tables. The following are the f. o. b. ceiling prices per one thousand feet board measure, or other measure where indicated, of Sugar pine lumber covered by this regulation:

TABLE 1-SELECT GRADES (SUGAR PINE)

S2S or S4S, 4" and Wider, RL.	5	16	54 and 574	75 26	MA	124	164
1 and 2 Clear (B said Better).	\$277.00	\$277.00	\$277.00	\$297,60	\$122.00	\$227.00	\$352.00
	208.00	268.06	200.00	259,00	214.00	\$28,00	344.00
	265.00	245.00	245.00	250,00	275.00	260.00	305.00

\$190,000, Short Selects St8 or S48. D and Better 4 to 9 Short Selects 1x 3" and Wider 54 and thicker, 4" and Wider.

Condition:

1. Rough
2. Gloren
3. Stain:
3. Stain:
3. Stain:
4. Stain:
5. Stain:
5. Stain:
5. Stain:
6. Gr C and Better
6. Gr C and Better
7. Deduct \$5.00 from price of C.
7. Gr C and Better
7. Deduct \$5.00 from price of C.
7. Deduct \$5.00 from price of C.
7. Deduct \$5.00 from price of C.
7. Deduct \$5.00 from price of D. Select.
8. Deduct \$5.00 from price of D. Select.

828 RW and RL	1/7	录	Pars 145	8/4	10,9	12/4	16/4
No. 3 Clear No. 2 Shop No. 2 Shop No. 3 Shop	\$155,00 105,00 96,00	\$202.00 148.00 112.00 80.00	\$2002.00 1485.00 1125.00 80.00	\$224.00 150.00 150.00 85.00	\$247.00 188.00 140.00 88.00	90.00 90.00	2005.00 2008.00 1001.00 22.00

Deduct 10 percent from dry price. Deduct \$2.00.
Deduct \$2.00.
Deduct \$2.00.
Deduct \$2.00.
Deduct \$2.00. No. 2 Clear, all thicknesses, 44 No. 1 and No. 2 Shop. 44 and thicker No. 1 Shop. 54 and thicker No. 2 Shop. 54 and thicker No. 2 Shop.

DUTERENTALS FOR WINES AND LENGTHS-SHOP AND BETTER (SUCAR PINE) 54" and thicker, all grades.

Deduct 5 percent from grade price. Deduct 10 percent from grade price.

Add \$10.00.	Add \$500. Add \$10.00. Add \$25.00. Add \$25.00. Add \$25.00.	Add \$45.00.
Add \$10.00.	Straighton Widths: Add \$50.00	27' and wider (groupt drainboard stock).
		KO KO
1. Narrow Widths: SRS, all grades		rainboard stoc
dribs: ese, S4S, all gr	Address there and wider sider ider	ider (errept d
1. Narrow Widths:	2. Rundom Whith S' and widec. 10" and widec. 11" and wider 14" and wider 16" and wider 16" and wider 16" and wider	a pur A

RULES AND REGULATIONS

PINE)-Continued	dd 85.00. dd 895.00. dd 855.00. dd 855.00. dd 855.00.	.dd \$10.00.	.dd \$5.00.
Depresentials for Widtes and Lengths-Shop and Better (Sugar Pine) Continued	3. Specified Widths: Add 85.00. 4.7.6. and 87. 12° and 13° 18° and 13° 18° and 13° 18° and 19° 20° and 19° and 19° and 19° 20° and 19° and	4. Specified lengths: 44 and thickers 8 to 16 Add \$10.00. 44 and thickers 18 and 39 Add \$15.00.	5, Pertrieved Random Lengths: Ny and barrier, 414 and thicker

TABLE 31-64 CONNON BOARDS (SUGAR PENE)

	F
1123/	1150 00 125.00 141.00 153.00 155.00 155.00
1x 4" 1x 4" 1x 6" 1x 8" 1x 10" 1x 12" 1x 14" 1x 10" 1x 18" 1x 29" 1x 29"	SIT. 0 SI
1 x 16"	21.12 25.25 25 25 25 25 25 25 25 25 25 25 25 25 2
1114	121.00 5120.00 122.00 129.00 78.00 78.00 58.00 58.00 58.00 58.00
1x 12"	\$121.00 120.00 120.00 37.00 35.00 45.00
1 x 10"	1155.00 1155.00 1251.00 171.00 151.00
1x8"	118.00 118.00 120.00 58.00 71,10 38.00
120"	113.00 113.00 120.00 34.00 34.00
11.4"	118.00 118.00 128.00 52.00 52.00 52.00
1 T. f" and wider	8888 8888 8888
RL 825 or 845 to 25/22"	No. 1 No. 2 No. 2 and Better (Patiern Grade) No. 3 No. 4 No. 5
1	888

1 See note and keetnetes following table 3B.

No. 4 and Better Short Common S2S or S48: 1.x 4" and wider, 4' to 9', 855.00. 1.x 4" only 4' to 9', 855.00. 1.x 9" and 1.x 8" 4' to 9', 865.00. 1.x 10" and 1.x 12", 4' to 9', 865.00.

TABLE 3A1-14" COMMON BOARDS SURFACE MEASURE (ON GRADE)

L. S18, S182E, S2S or S48 to 34"	M z 4" and wider	Man.	,9x%	%x8.,	34 x 10"	M = 12"
40. I 40. 2 50. 4 50. 4 No. 5	888.00	\$125.00 114.00 80.00 60.00 31.00	815 114.8 82.8 82.8 92.8 92.8	\$125.00 114.00 55.00 \$5.00 \$5.00	\$120.00 114.00 \$1.00 \$2.00	\$177.00 115.00 84.00 86.00 86.00

4 See note and Sootnotes following table 3B.

TABLE 3B-154" CONNON BOARDS SUBFACE MEASURE (ON GRADE)

R. L. S1S, S1S1E, S3S or 54S to 196"	195e x 4" und wider	"Hert."	"giexe"	13fe x 8"	13/6 x 10"	tylex 12"
No. 1 No. 2 No. 4 No. 5 No. 5 No. 5 No. 4 No. 4 No. 4 No. 4 No. 4	20.00 21.00 72.00	\$114.00 126.00 171.00 18.00 18.00 18.00	\$114.00 104.00 10.00 11.00	8114.00 106.00 74.00 22.00 74.00	814 1648 1688 1788 1888 1688 1688 1688 1688 168	200 200 200 200 200 200 200 200 200 200

POOTNOTES APPLICABLE TO TABLES 3, 2A AND 38

Note: No. 4 and No. 5 Commons RW/RL may centain 20 percent 4" and 20 percent 4" to 8".

Deduct \$2.00. Deduct \$6.50. 1. Rough 2. Green Grade Deferentials: 3. Knotty Pine Panel Stock (44 cely).

Add \$10.50 to price of regular grade from which selected.

Add \$2.00 to price of largest listed sine.

Width and thickness.

S. Width and thicker than listed: For each T marcase in a lither dimension.

Deduct \$1.00. Deduct 10 percent from dry price.

POOTNOTES APPLICABLE TO TABLES 3, 3A AND 38-COntinued

Add \$4.00 to RL prion. Deduct \$5.00 from RL prios. Add \$2.00 to RL price. Add \$2.00 to RL price. Add \$2.00 to RL price. Add \$4.00 to RL price. Lengths:
7. Specified lengths:
7. Specified lengths:
8. No. 1, No. 2, No. 2 & Better and No. 3 Composite of No. 1, No. 1, No. 2, No. 1, No. 3, No. 4 and No. 5 Common:
All widths—10' through 37'
When shipped all 0' thil grades)
S. Restricted random lengths:
E' and longer, 195s" and thicker.

Add \$5.00. Add \$5.00. Add \$15.00. Add \$90.00.

Add \$2.00 to RL price.

Theistrees:

9. Addition to 44 prior:
Set, 64 and 74.
Set, 64 and 84.
No. 3 Common:
No. 3 Common:
No. 4 and No. 5 Common:
Set, 64, 74 and 84.
No. 4 and No. 5 Common:
Set, 64, 74 and 84.
Set, 74 and 84.
Set, 74 and 84.
Set, 74 and 84.

TABLE 4-DIMENSION (SUGAR PINE)

Add \$2.00. No addition.

Add \$100.

RE, SISIE of 848 196"	2 X 4"	220"	90 24	2x10"	2112"
No. 1. No. 2. No. 3. No. 3. No. 4.	72298 88888	% NK22 88888	257.00 20.00 20.00 20.00	2000 2000 2000 2000 2000 2000 2000 200	25.25.25.25.25.25.25.25.25.25.25.25.25.2
Condition: 1. Rough 2. Green Grade Differential: 3. Common structural 3. Common structural	1111	Deduct \$2.00, Deduct \$5.50, Add \$10.00,	93		
4. Wider than listed: For each 2" wider than listed	- 8	A 444 \$2.00 t	Add \$2.00 to price of 12"		
a Spelled Lengths: 8, 10, 12 and 16		Add \$5.00.			
18' and 20' 4', 5' and 0'.		Add \$5.00. Deduct \$5.00	000	100	
Thichest Things of the same		Dadnot \$3	Dudnet 52 of ner M from 154" prices scale as 7"	m 14g" price	s scale as 2"

Add \$9,00.

Thickness:
6. For 114e" (all grains)....
Norking.
7. Worked to pattern....

Deduct \$2.00 per M from 14" prices scale as 7".

22-28	222222222 222222222 222222222
107-181-201	2022222222 202222222222 202222222222
n RL 8-12-14-19 10-18-20	25888888888888888888888888888888888888
RL	82888888888888888888888888888888888888
SISIE or S48, Green	2 x 2" and 3 x 4" 2x 0" and 3 x 8" 3 x 10" and 3 x 12" 4 x 0" and 4 x 8" 6 x 10" and 6 x 2" 6 x 10" and 6 x 12" 8 x 10" and 8 x 12" 10 x 10" and 8 x 12"

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. 93	200	40
543	50	26
.92.0	200	12
36.5	2000	74
761	4001	MP
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1764	74.	400
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- 1	1	
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- 1	- 80	- 1
- 1	10	-
- 1	*	-
- 5	80	100
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15	10	2
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Deduct \$2.00.
Deduct \$5.00.
Deduct \$5.00.
Price at \$32.00 per M ft. and use green weight. No. 1 No. 2 No. 3 No. 4. No. 4. Rough or Surfaced, Dry or Green all sizes and lengths नेवंदर-

day, July 1,	1952	7	FED 82888
28 88 88 88 88 88 88 88 88 88 88 88 88 8	20.00	t, on surface	181.00 181.00 181.00 184.00
9. Worked to pattern Trace 6—Mail Huy Box and Stroe Daggerings (Stora Penn) 44 and RW/RL Rough Dry 54 and thicker RW/RL Rough Dry 1 828 1 1 828 2 Green Gradee	Wighther 4. Specified whiths, no addition. Table 6A-Smort Box (Stear Phys) 44 and thicker, RW, 12' to 47' Rough Dry.	Condition: (Rais or SiS,	SES or SES-RW/RL: Table 7-Mortinge Spock (Spear Pink)

					1356"	\$160,75
			n dry peice.	12	354"	\$161.75
(SUGAR PINE)			1.00 x 10 percent from	rider, 6° and long text)	350" *	\$1.99.75
TABLE S-MOULDING LUBERS AND BEYTER (SUGAR PINE)	Rough, Dry—RW/RLz	10% 10% 10%	Comfilting: 1. Surfacing \$93. 2. Green Deduct 10 percent from dry price.	Gradu: 3. Product of log above No. 1 Shop producing 56 percent rip 2" and wider, 6" and longer. TABLE 9-PANEL SPOCE (SPGAR PINE)	RW/RL-828	B and Better
			10.00	3	1	100,000

B and Better 819.75 155	The state of the s		
	\$161.75 157.75 145.75 146.75	\$1.90.75 156.75 166.75	B and Better C and Better D
 When shipment contains any Ponderosa Pine Panel stock, use prior shown for Ponderosa Pine in table 11, section Specified widths and lengths: Use differentials established under "Differentials for Widths and Lengths" 	oss Pine in table it, section or Widths and Lengths-	own for Ponder Differentials 1	When shipment contains any Fonderors Pine Funel stock, use prior Specified widths and lengths: Use differentials established under Shon and Better—Sunar Pines.

Z" (0G) Net Z" (0G) Net Zh" (0G) Net

1. For 13' and 20', add \$4.00.

Add \$5.00 to 4/4 price. Deduct \$15.00 from 4/4 price and compute foodage on surface measure basis.

Add \$25.00 to prices in above tables.

TABLE 2-SHOP LUMBER (DOUGLAS FIR)

\$146.00 115.00 85.00 65.00

\$115.00 115.00 85.00 65.00

\$140.00 1115.00 85.00 65.00

\$100,00 \$0.00 65.00 8

100

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88888 88888

Deduct 5 percent from grade prior.

Deduct \$1.00.
Deduct \$2.00.
Deduct \$2.00.
Deduct \$3.00.
Deduct \$3.00.
Deduct is percent from dry price.

nd No. 3 Shep.

Per R. Fee 54 and thicker.	Grade differentials:	258 or 845—RW(1	No. 3 Cher No. 1 Shop No. 2 Shop No. 3 Shop	Condition 1. Bot	2. Green States St. No. 1 so.
	15.00 14. 114. 12. No. 2 15.00 15.00 percent No. 1-20 percent No. 2)	SES or SAS-RI.: 114" and 116"	1 and 2 Clear (B and Better) Selected, S28: M. and 64: 20" and wider—RL. S27: 00	200	Grade Differentials & Deduct Study price. 5. Of Select Study Study Study. 4. D Select Study. 5. He and Study. 6. D Select Study. 6. Select Study. 7. Select Study. 8. Deduct \$50.00.

SEC. 48. F. o. b. ceiling prices: Douglas fir and Inland larch lumber—(a) menclature. All grade and size terms appearing in this section refer to, and the meanings given in, Standard Grading Rules of the Western Pine Associa (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, October 1, 1951).

(b) Ceiling price tables. The following are the f. o. b. celling prices per one t sand feet board measure, or other measure where indicated, of Douglas fir Inland larch lumber covered by this regulation:

TABLE 1 -SELECTS (LARCH-DOUGLAS FIR)

RL, S3S or S4S	BW	11.4"	115"	126"	1x8"	1 x 10"	1x12"
Better Better	\$148.00 138.00 138.00 113.00	\$130.00 120.00 118.00 94.00	\$150.00 150.00 140.00 118.00	\$145.00 138.00 136.00 112.00	\$148.00 138.00 136.00 112.00	150.00 150.00 150.00 150.00	25.751 15.758 15

* See footnotes following table 1A.	ME 14-8	TABLE 14—SELECTS (DOUGLAS FIR)	IIR.00 IIR.00 ODGRAS FIR	(a)	112.00	8	111.00
RL, S2S or S4S	RW	1x6	1x Gr	1x6"	114" 115" 116" 118" 1110" 1112"	1 x 30"	1412"
and Better and Better	\$185,00 177,00 165,00	8181.60 188.00 188.00 185.00	\$126.00 175.00 176.00 156.00	\$185.00 170.00 185.00 140.00	\$185,00 170,00 165,00 160,00	\$175.00 175.00 175.00 154.00	\$200.00 1855.60 180.00 164.00

Dednet \$2.00. Dednet 10 percent from dry price.	Add \$2.00 to RW price. Add \$5.00 to RW price.	And structure to key gence. Same price as 12", Add \$2.00 to 12", 10" and 12" price as Add \$2.00 to 12" price.
Contained: 1. Rough 2. Green	Westing 2. Special random widther 8" and wider 8" and wider	4. Odd widths over 12"; For each inch over 12"

FOOTNOTES APPLICABLE TO TABLES I AND IA

Add \$5.00. Add \$10.00. Add \$10.00. Add \$20.00. Add \$20.00. 6. Specified from the 44-16, 27 and 14.

6. Specified for and 14.

5.4 and thicker—S' through 16.

7. Restricted random learther 17 and 200.

RL, SIE, 825, SISIE or S45 to 1/42"	1 x 4" and wider	114"	1x6"	118"	11100	4
No. 1 and 2 No. 3 and Better. No. 4 No. 4 No. 6	200000 200000	22 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	88 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8	20101 20101	22124 28228	
1 See Note and footnotes following fable 4B. Table 2A-16" Conneon Boards Surrace Measure (On Grade) (Large-Douglas Fir and Henton	o 1B. Unvace Mea	SURE (ON G	RADE) (LARC	H-Dondlas	Fin and His	MIL
155,00 156,00 155,00 155,00	Nx4" and wider	34 x 4"	.0 x %	34 x 8"	36 x 10"	**
No. 1 and 2 No. 3 and Better No. 3 No. 4 No. 4 No. 5	200 200 200 200 200 200 200 200 200 200	2000 2000 2000 2000 2000 2000 2000 200	28888 88888	28 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8	# K K A M	

TARLE 3B-11/13" COMMON BOARDS SUPACE MEASTER (ON GRADE) (LARCE-DOUGLAS FIR AND HENDOCK) 1 See Note and footnote following table 3B.

20000 20000 20000

X127

RL, S18, S182E, S2S or S4S to 11/10"	11/16x4" and wider	11/16 x 4"	11/16 x 6"	11,716 x 8"	11/16 x 10"	11,716 x 12"
No. 1 and 2 No. 3 and Better No. 4 No. 4 No. 5	88888 88888	15 15 15 15 15 15 15 15 15 15 15 15 15 1	200 200 200 200 200 200 200 200 200 200	A11874 88888	12 12 13 14 14 15 15 15 15 15 15 15 15 15 15 15 15 15	**************************************

POOTNOISS APPLICABLE TO TABLES 3, 34, AND 3B

Norg.-No. 4 and No. 5 Common BW/BL may contain 20 percent 4" and 20 percent 4" to 8".

nd so sealed.

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Deduct \$2.00. Deduct \$4.50.

Scales

110.00 110.00 110.00 110.00

115.00 115.00 115.00 115.00

N pot

Condition: 1. Dry 2. Surfaced 2. Surfaced 3. Common Structural 4. No. 1 permitting up to 25 percent No. 2. Deduct \$2.00. 5. No. 4. Rough or Surfaced, Dry or Green,all sizes and Price at \$32.00 per M.ft. and use green very least structural discussions. 8. No. 4. Rough or Surfaced, Dry or Green,all sizes and Price at \$32.00 per M.ft. and use green very least structural discussions. 8. Wafer and/or thicker than listed; For each 2" increase in Add \$2.00 to price of largest listed site, whether	TABLE 6-MOULDESS STOCK (DOUGLAS FIR)	Send Sesses	and 7/4. Solution: TABLE 7-MOULDING LUNGER AND BE SEE AND BE SEE SEE SEE SEE SEE SEE SEE SEE SEE	TABLE 9-LATE (LARGE-DOCCLAS FIR)
	2x 12"	25 25 25 25 25 25 25 25 25 25 25 25 25 2	4	
4	2 x 10"	88888 88888	Deduct \$2.00. Add \$20.00. Add \$20.00. Add \$2.00 to price of widest listed width, Add \$2.00.	
Add \$2.00 to RL price. Add \$2.00 to RL price. Deduct \$3.00 from RL price. Add \$2.00 to RL price. Add \$2.00.	00 M 00 P4	114 114 114 114 114 114 114 114 114 114	Deduct \$2.00. Add \$20.00. Add \$20.00. Add \$2.00 to price of widest Add \$2.00.	
Add \$2.00 to R. Add \$2.00 to R. Drettnet \$3.00 fo R. Add \$2.00 to R. Add \$2.00 to R. Add \$2.00.	2x6"	######################################	Deduct \$2.00. Add Stron. Add	Add \$8.00.
	2x4"	8111111111 888888		Ct On rate M
Lengths 4. Specified lengths: S. through M. (all grades) 18. and 30. (all grades) 2. Restricted random lengths: 10. and torger, 11/19° and Add St. Dictions: 4. Additions to 44 prices: 5. Additions to 44 prices: 6. Additions to 44 prices: 7. Add St. No. 4 and No. 5. 7. Add St. No. 6 and No. 5. 7. Add St. No. 6 and No. 6 and No. 7 and 8 and No. 5 and 8 and	SISIE S4S to 134"-RL	No. 1 No. 1 permitting up to 25 percent No. 2. No. 2. No. 4.	Condition: 1. Rough 2. Degree 1 No. 1 No. 1 permitting up to 25 percent No. 2 No. 3 No. 3 No. 3 No. 3 No. 4 No. 5 No. 4 No. 5 No. 4 No. 5	22' and 27'

7. For the county to the county of the count	6. For specified even lengths ionger than 24', add 53'0 per M to the 24' price of the same side and grade for each two ket M connect than 24', add 53'0 per M in the 24' price of the same side and grade for each two ket M is the form 24', and grades as an andom length price. 8. For lengths not listed use random length price. 8. For lengths not listed use random length price. 1. For 3', All grades (Strike or 548 only). 1. Take All grades (Strike or 548 only). Take 5-NO. I Plane and Therese (Lai	24' add \$5.00 per M Add \$8.00. Add \$8.00. Add \$8.00. Eth perce. Deduct \$5.00 Add \$8.00. Add \$8.00.	And \$8.00. And \$8.00. And \$8.00. And \$8.00. Before \$3.00 from RL price. Price. Deduct \$2.00. Add \$3.00. And \$3.00. And \$3.00.	L. prion.	PET LIN
Rough	RL	8-12-11-10	10'-18'-20'	22'-24'	20-55
3.5.3" and 3.5.4" 3.5.4" and 3.7.12" 4.5.4" and 3.7.12" 4.5.4" and 4.12" 6.5.10" and 6.5.12" 8.5.10" and 8.5.12" 9.5.10" and 9.5.12"	84134414444 8888888888888	222224424444 88888888888888	######################################	\$6888888888888888888888888888888888888	######################################

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adure. A neaning ed April 119. Ices per o White fu	Dand Bir.	20 20 20 20 20 20 20 20 20 20 20 20 20 2
Nomenco ave the 1 n (adopt ber 1, 195 ceiling pr	0	#15.00 15.00 15.00 15.00 15.00 15.00 15.00
ber—(a) to, and h issociatio and Octo e f. o. b. c here india	C and Btr.	25.25.25.25.25.25.25.25.25.25.25.25.25.2
No. 2)	B and Btr. C and Btr.	A78 88.888 88.8888 88.88888
### 115°-4' No. 1 ### 120°-4' No. 1 ### 120°-4' Force Latti @ percent No. 1, 20 percent No. 2] #### 120°-4' Force Latti @ percent No. 1, 20 percent No. 2] ####################################	S25 or 545, RL	1 x 6" 1 x 5" 1 x 6" 1 x 8" 1 x 10" 1

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price and seale		THE PERSON NAMED IN	2112"	(81:12 88888					-	M. W.	88588 88888	ZELEZ:	200
	1		2 x 10"	(MERK 8888		0. L				227-24F	28888 88888	7888 2888	88 88
to St. M. No. 4" and wider price. to S", 10", and 12".	Add \$2.00 to RL price. Deduct \$5.00 for RL price. Add \$2.00 to RL price. Add \$2.00 to RL price. Add \$2.00 to		218"	(1) KN H 88888	22 M 25 M 26 M 26 M 26 M 26 M 26 M 26 M 26 M 26	Deduct \$5.00. Deduct \$5.00. Add \$5.00 to price of No. L.	90	7000	m) Garrey	10'-18'-20'	23225 23225 23225	2888	
and 20% 4' to 8'. Deduct \$2.00. Deduct \$2.00. Add \$1.00 to 4'': Add \$2.00 to 6'' section!	Add \$2.00 t Add \$4.00 t Deduct \$3. Add \$2.00 Add \$2.00. Add \$2.00.	ITE FOL)	2 x 6"	141:14 8888	Deduct \$2.00 Deduct \$6.30 Deduct \$6.30 Deduct \$6.30 Deduct \$6.30	Deduct \$5 Deduct \$5 Add \$6.00	Add \$5.00. Add \$5.00. Add \$7.50. Add \$15.00. Dednet \$5.00.		Add \$5.00.	100 100 10	88888	8888	76.00 76.00 76.00 Add \$20.00 Add \$20.00
n 20% 4" s	d thicker.	SHOW (WILLIAM	22.4"	88888				3	TORRES	8-15-16-18			
may conta	r, 1914" an	TABLE 4-DIMENSON			6.0.3			E or S48 anly	Praye and	RL	KKKK 88888	NAME OF THE PERSON	n in in
NOTE.—No. 4 and No. 5 Common RW/RL may contain 20% 4" and 20% 4" to 8". Condition: 1. Bough. 2. Green. 3. Special Random: All grades, 1 s 6" and wider. 3. Special Random: All grades, 1 s 6" and wider. 3. Add 80 to 4". 3. Add 80 to 4". 3. Add 80 to 4".	Lengthe: 4. Specified lengthe: 5. Stringer 15' (all grades) 5. Only (all grades) 7. Restricted random lengthe: 10' and longer, 15;15'' and thicker. Thickness 6. Additions to 44' prices: 8. Additions to 44' prices: 8. Nos. 1 and 2, No. 3 and better and No. 3. Nos. 1 and 2, No. 5.	TANK	\$181E,845 to 194"-RL	No. 1 permitting up to 32 percent No. 2. No. 1 permitting up to 32 percent No. 2. No. 3. No. 3. No. 4.	Condition: 1. Rough. 2. Green: No. 1 permitting up to 25 percent No. 2. No. 1 permitting up to 25 percent No. 2. No. 1 permitting up to 30 percent No. 2.	No. 4 No. 4 Grada Differentials: 3. Common structural	Lengths: 4. Specified lengths: 18' and 29', and 18'. 22' and 29' 25' though 32' 4', 5', and 6'	Thickness: a. 1 Me" Dimension (all grades), scale as 2". b. 1 M" Dimension—Applicable to SISIE grades).	7. Worked to pattern	Rough	5 x 6 % mod 3 x 7 3 x 6" mod 3 x 12" 3 x 19" mod 4 x 5" 4 x 6" and 4 x 5" 4 x 6" and 4 x 5" 4 x 6" and 4 x 5" 4 x 7 % and 4 x 5" 4 x 8" and 4 x 8" 4 x	6 10' and 6 2 12' 6 10' and 6 2 12' 8 18' and 6 2 12'	Os 10" and 10 112" Condition: 1. Dry 2. Starkood
lo scaled.		8/8	\$125.00 110.00 \$0.00 65.00			1212"	88888 88888		Mx 12"	88888 88888		11/16 x 12"	28888 88888
Deduct \$1.00. Deduct is percent from dry price. Add \$2.00 to \$7", Nr", and 12" price and so scaled. Add \$5.00 to \$", Nr", and 12" price and so scaled. Add \$5.00 to \$1" to \$100.	in shore table.	1/4 pure 1/8	\$135.00 130.00 55.00 55.00		om dry price. m grade price. om grade price.	1 x 10"	88888 88888	0	Mx10"	200 mm m m m m m m m m m m m m m m m m m	(EADE)	11/16 x 10"	88888 88888
Deduct \$1.00. Deduct \$1.00. Add \$2.00 to \$2", \$2", and \$2" prior Add \$5.00 to \$", \$2", and \$2" prior Add \$5.00	o prices in s	18 NS	\$115.00 \$0.00 \$0.00 \$0.00	Definet \$1.00. Definet \$3.00. Profinet \$2.00.	roent fr	118"	88888 88888	(ON GRAD	%x8"	\$2 \$2 \$2 \$2 \$2 \$2 \$2 \$2 \$2 \$2 \$2 \$2 \$2 \$	E (ON GEA	11/16 x 8"	25 14 14 1 88888
Seduct \$2.00 dd \$2.00 to dd \$5.00 to dd \$5.00 to	Add Silon. Add Silon. Add Silon. Add Silon. Add Silon. Add Silon.	MI		Deduct \$1.00 Deduct \$2.00 Deduct \$2.00	Deduct 31.00. Deduct 10 percent for Deduct 5 percent for Deduct 10 percent for (WHITE F12)	1x6"	88888 88888	Measure	Mx6"	2000 2000 2000 2000	r Mraster	11/16 x 6"	2541144 88888
	bou Ny-	15	\$155.00 \$1.0			11.4"	80.00 74.00 60.00 80.00	DE SURFACE	Mx#"	\$15431 88888	are Suirac	11/16 x 4"	88888 88888
inch over 12"	IV and homer-sit and Add Shoot If and homer-sit and Add Ston Add Ston Add Ston Tanz 2-Stor Lymme (White Fie)				f and thicker.	In 4" and wider	9888 8888	2B. JOHNON BOAT	Mx4" and wider	\$81.00 (61.30	JB. COMMON BOA	11/16 x 4" and wider	81.88 81.80 81.80
Condition: 1. Bouth 2. Green. Widthe 3. Specified widths over 12"; For each inch over 12"; 4. Odd widths: 7", 9", 11" Length: 5. Specified lengths: 5. Specified lengths:	and 200 kind	RW-RL 528	No. 3 Clear No. 1 Shop No. 2 Shop No. 2 Shop	Condition: 1. Bought. No. 2 Shop. No. 2 Chest, all the kineses.	2. Green. No. 2 and No. 3 Shop, 54 and 1 Grade differentials: 2. Stained Shop: 4.4, all grades: 44 and thicker, all grades: Tabus	RL, 818, 8182E, 828 or 848 to 2945"	No. 3 and Better No. 3 and Better No. 4 No. 5	1 See note and footnotes following table 2B. TARIE 2A	RL, 818, S182E, S1S or 84S to 34*	No. 1 and 2. No. 3 and Better No. 3. No. 4.	See note and focundes following table 3B. Tanna 3B-11/16" COMMON BOARDS SURFACE MEASURE (ON O	R.L., SI.B., SISPE, SDS or 845 to 11/10"	No. 1 and 2. No. 3 and better No. 3. No. 4. No. 4. No. 4. No. 5.

Add \$2.00 to 1 x 4" and

Tuesday, July 1, 1992		1200	NAME IN A	*	
said.	1x lf*	88888888888888888888888888888888888888		N z 12"	8127.88 115.88 125.88 125.88
Pisco,	1x 10"	117.00 117.00 120.00 51.00 51.00	0	34 x 10"	\$123 114.8 \$1.2 \$1.2 \$1.2 \$1.3 \$1.3 \$1.3 \$1.3 \$1.3 \$1.3 \$1.3 \$1.3
12" phos.	12.8"	\$124.00 115.00 74.00 80.00 80.00 80.00 80.00	(ON GRADE	N x S.	2000 2000 2000 2000 2000 2000 2000 200
Add \$2.00 to 8", 12" price, and so scaled. Add \$2.00 to 12" price. Add \$3.00.	1xe"	#124 115.00 12.00 12.00 13.00 10.00	MEASURE .	36 x 0"	21.18 11.18 12.08 12.08 13.08 16 16 16 16 16 16 16 16 16 16 16 16 16
	1x4"	\$124.00 115.00 \$5.	NDS SURFACE	16 x 4"	828 140 828 828 828 828 828 828 828 828 828 82
ir in	1 x 4" and wider	## ## ## ## ## ## ## ## ## ## ## ## ##	OMMON BOA	% x 4" and wider	### ### ### ### ### #### #### ########
Weither Weiths, T. 9", 11" 6. Withs over 12", for each meb over 12" 6. Withs over 12", for each meb over 12" 7. Specified lengths: 7. Specified lengths: 8. Bestricted random lengths; 10" and length; 44 and thicker. 9. B and thicker. 9. B and oft, 4" through 10" 10" 10" 10" 10" 10" 10" 10"	RL, 81S, 8182E, 82S or 84S to 2942"	No. 1 No. 2 No. 4 No. 4 No. 4-pf and 8' only. No. 5-pf and 8' only.	1 See note and footnotes following table 2B. TABLE 2A 1—34" COMMON BOARDS SURFACE MEASURE (ON GRADE)	R.L., 818, 8183E, 828 or 848 to 14"	NXXXX NXXXX NXXXX
Grade differentiable 2. Common Structural 4. No. 1 permitting up to 22 percent No. 2 5. No. 4. Rough or Surfaced, Dry or Green, All stees and Price at \$52.00 per M R, and the green weights. Senting and thickness 5. No. 4. Rough or Surfaced, Dry or Green, All stees and Price at \$52.00 per M R, and the green weights. Senting and thickness 5. Width and thickness 5. Width and thickness 6. No. 4. Rough or Surfaced, Dry or Green, All stees and Price at \$52.00 per M R, and the green weights. Weight and thickness 6. No. 4. Rough or Surfaced, Dry or Green, All stees and Add \$2.00 to price largest listed size. 7. And \$2.00 to price largest listed size. 6. Working 6. Working 6. Working 6. Working 7. And \$2.00 6. Surface 7. And \$2.00 6. Surface 7. And \$2.00 6. Surface 7. Deduct 10 percent from dry price. 7. And 7. Pedract 10 percent from dry price. 8. Surface 7. And 7. Pedract 10 percent from dry price. 8. Surface 7. And 7. Pedract 10 percent from dry price. 8. Surface 8. Surface 7. And 8. Surface 8. Surface 8. Surface 9. Surface 10. S	and 74. on: For 828.	Deduct to percent in the state of the state	Add \$1.00. Run Box is a combination of No. 1 and No. 2 Box including not over 15 percent No. 2. Effect widths, no addition.	M 201	spruce and Lodgepole pine lun appearing in this section ref inding Rules of the Western ilemented Ortober 1, 1949, At

SEC. 50. F. O. B. Ceiling prices; Engelmann spruce and Lodgepole pine lumber—
(a) Nomenclature. All grade and size terms appearing in this section refer to, and have the meanings given in, Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951).

(b) Ceiling price tables. The following are the f. o. b. ceiling prices per one thousand feet board measure, or other measure where indicated, of Engrimann spruce and Lodgepole pine lumber covered by this regulation:

TABLE 1-SELECTS (ENGREMANN SPRING-LODGEFOLE PINE)

SES or SAS-RL	RW	1x4"	125"	1x 0%	11.8"	1x 10"	1112"
and Better S and Better O and Better	\$220.00 210.00 195.00 190.00	205.00 205.00 190.00 185.00	\$230,00 230,00 156,00 190,00	\$215.00 205.00 190.00 185.00	2015.00 190.00 185.00	2250.00 2195.00 196.00 196.00	\$240.00 250.00 216.00 216.00

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	Deduct \$2.00. Deduct 10 percent from dry price. Deduct \$50.00 from corresponding size of D and
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	oulities: 2. Great 2. Great 3. D and Better Short Selects, # to 9"
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Deduct \$5.00 from price of B and Better. Deduct \$5.00 from price of C. Deduct \$5.00 from price of D. Deduct 500.00 from correspond Better Seiect in above table. Stained Selects, that for defects other than stain would grade:
B and Better.
C or C and Better.
D or D and Better.

11/16 x 10" \$114.90 105.90 \$6.90 \$5. HAGES" 88888 THE R OF 105.17 26.17 34.00 88888 TIME I 4" 1114 1750 1750 1850 1850 11/16 x 4" 2016.00 105.00 17.00 26.00 26.00 S15, S181E, S25 or S4S to 11,116"

\$13.00 105.00 75.00 57.00

\$114.00 105.00 72.00 85.00

11,716 x 12"

TABLE 28-11/16" COMMON BOARDS SURFACE MEASURE (ON GRADE)

1 See note and footnotes following table 2B.

Footnotes applicable to tables 2, 2A and 2B.

Norm-No. 4 and No. 5 Common RW/RL may contain 30 percent 4" and 30 percent 6' to 8'.

Condition:

1. Rough.

2. Order St.Ot.
Widths:

4. Special random widths: No. 4 and No. 5 Common 1 x 0" and wider (44 only):
wider price.

3a. Odd widths: 7", 9" and 11" Add \$5.00 to 8", 10" and 12" price and scale actual.

150.00 150.00 150.00

\$180.00 185.00 195.00

\$55.00

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EWIRL: CAMES S-MOTIBING STOCE (ENGELMANN SPRICE AND LADGEFOLE FINE) CAMES S-MOTIBING STOCE (ENGELMANN SPRICE AND LADGEFOLE FORE) EWIRL.	Add \$1.00. Deduct to percent from dry prior.	love No. 1 Shop, producing 50 percent rips 2" and wider 6" and longer.	and 1 x 6". Table 3—Beth. Siden (Engelmann Sprice and Lorgeole Pink)	Band Better O D	\$118.50 121.00 121.00 125.00 1	1 D may contain 30 percent 5' to Sig' in multiples of 8", erent 2' to Sig' in multiples of 6". Lengths, 9' and lenger, and 85.00. Table 9-Batters (Englanan Spruce and Lodgeour Pixt)
S2S or S4S-RW/RL: At the standard of the stan	84 Condition: 2. Great	Grade. 2. Freduct of log above No. 1 Shop, producing 30 percent rips 2"and wider 0" and longer. 3. Freduct of log above No. 1 Shop, producing 30 percent rips 2"and wider 0" and longer.	RL. S2S or S4S: 1 x 4" and 1 x 6". Table 3 - Betr Shows (Excelled)	7/16" x 3/16" SM 3" and longer	1014" 1015" 1015" 1016" 1016" to 8'	1. B and Better, C and D may ecatain 30 percent 7 to S14 in multiples of 6". 2. E may contain 35 percent 2 to S16' in multiples of 6". 3. Restricted Random Lengths, 9' and lenger, and \$3.00. TARIE 9—BATTERS (ENGELAANN SPRICE AND LODG 19," (OG) Net. 2" (OG) Net.
	188	21.12"	22.25.28 8888	37.00		
		2x10"	28.88 88.88	8		Add \$5.00. Add \$5.00. Add \$5.00. Dedox \$5.00. Dedox \$5.00. Add \$5.00. Add \$5.00.
Add \$2.00 to R.L. price.	POLK PINE)	218"	25 25 25 25 25 25 25 25 25 25 25 25 25 2	8	nd \$5.00, nd \$6.30, \$10.00. \$2.00 to 12" pries.	from 155" pa
Add \$2.00 to RL price. Add \$2.00 to RL price. Add \$4.00 to RL price.	AGG SE.W.	2x6"	8888	200	Dednet \$5.00. Dednet \$6.50. Add \$10.00.	Add St.00. Add St.00. Add St.00. Deduct St.00. Add St.00.
	CAN'S SPRUCE	21.6"	8888	12.		
Lengther 4. Specified lengths: No. 3. No. 2 are 4 through 14 8. and 6 2 are 4 through 14 8. and wider 15 is and 16 No. 4 and No. 5 Common: All widths, 10 through 39 8. Bestricted Random Lengths: 10 and bours: 1348 and Thickness 6. Additions to 4M price: 6. Additions to 4M price: 6. Additions to 4M price: 8. Additions (34 and thicker) No. 3 Common: 54 and thicker	No. 4 and No. 9 Common: N4 and inneed Add 94.00. Table 3-Debension (Englishment Septement Indoped Pine)	RL, SISIE or SAS 194"	No. 1 No. 1 permitting up to 25 percent No. 2 No. 2 No. 2	No. 4	Condition: 1. Recent 2. Once: 2. Once: 3. Common afractural 4. Wider than listed. For each 2" wider than listed	E. Breedfied Jungths: %, 19, 12' and 14' Thickness: C. For 134' Applicable to SISEE or 84S only (all grades) Norking: S. Worked to pattern, D and M. shiping and well carbing. Add & Worked to pattern, D and M. shiping and well carbing.

TABLE 4-NO. 1 PLANE AND TIMBERS (ENGLISANN SPRUCE AND LODGEROLE PINE)

SISIE or Sell, Green	RL	8-12-14-15	107-181-207	25'-36'	26.22
3 x 3" and 3 x 4" 3 x 9" and 3 x 13" 4 x 10" and 4 x 12" 4 x 10" and 4 x 12" 5 x 10" and 6 x 12" 5 x 10" and 6 x 12" 10 x 10" and 10 x 12"	######################################	<u> </u>	#	\$\$ 12 8 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	######################################
Contilion: Roops Roops Distriction		Deduct \$2.00 Add \$20.00.	Deduct \$2.00. Add \$20.00.		
2. Common structural 4. No. 1 permitting up to 25 percent No. 2. 8. No. 2. 6. No. 3. 7. No. 4. Bough or Surfaced, Dry or Green, all stees and lengths.	or, all stres and	The state of the s	A Add \$150.00. Deduct \$2.00. Deduct \$1.00. Deduct \$1.00. Frice at \$22.00 per M.R. and use green weight.	f.R. sad use gre	en weight.
Width and thickness: 9. Wider and/or thicker than listed: For each 2" increase in either dimension.	nemsjon		Add \$2.00 to price of largest listed size	I lurgest listed	Stre.
Working.		Add	Add \$9.00.		

EGULATIO	Per X
Table 9-Battens (Englishmann Specte and Lodgefold Pont) 7. (OG) Net 7. (OG) Net 94" (OG) Net	1. For is and 30' lengths, add \$4.00. Table 10-Late (Engelmann Spece and Lorderole Pine) 14.1145"-4" No. 1. 14.1145"-4" No.

SEC. 51. F. O. B. Ceiling prices; Inland red cedar humber—(a) Nomenclature. All grade and size terms appearing in this section refer to, and have the meanings given in. Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951).

(b) Ceiling price tables. The following are the f. o, b. ceiling prices per one thousand feet board measure, or other measure where indicated, of Inland red cedar lumber coyered by this regulation:

TABLE 1-SELECTS (INLAND RED CEDAR)

	2888888 8888888
Q	ZEERRUS
Cand Better Dand Better	25 25 25 25 25 25 25 25 25 25 25 25 25 2
Cand Better	**************************************
SZS or E4S-RL	And wifee
	x 4" x 6" x 10" x 13" or 13" and wider x 4" and wider

	942	25.25.2 25.25.25 25.25 25.2	à	M pcs. \$15.00	ure. All	April 15,	se cedar	# # # # # # # # # # # # # # # # # # #		Ф	\$102.00 107.00 102.00		derons Pine lest Fonde- derons Pine derons Pine (4. D Select 6. derons Pine in pross Pine ross Pine in
	D	\$88.00 94.00 74.00			fomenciat	he meanit adopted per 1, 195 ng prices	, of Incen			D and Better	\$157.00 142.00 157.00	dry prion.	C Select Pen (4) and 74 Section 44. C Select Pen D Select Pen D Select Pen D Select Pen D Select Pen D Select Pen D Select Pen
(Spyn)	٥	\$301.00 106.50 \$1.00 86.50	10.		er-(a) A	sociation and Octol o. b. ceilli	indicated	(uvaz)		0	0 \$175.00 0 880.00 0 185.00	Deduct 10 percent from dry grion.	the differentials for §4 C Select Preselectors Pine in table 1, section 65, get and 74 Select Pondernos Pine in table 1, section 65, get and 74 Select Pondernos Pine in table 1, section 65. Use differentials for §4 C Select Ponderon Pine in table 1, section 65. Use differentials for 94 D Select Ponderon Pine in table 1, section 65. Condenses Pine in table 1, section 65. Use differentials for 54 D Select Ponderons Pine in table 1, section 65. Use differentials for 54 D Select Ponderons Pine in table 1, section 65. Use differentials as shown for Ponderons Pine in table 1, section 65.
O RED C	etter	\$195.00 \$11.50 \$2.70	ultiples of		ir lumi	fer to, and the Assistant of the f.	where	INCESSE (Z CEDAR	C and Better	\$178.00 182.00 188.00	Definet 8 Deduct 1	Use define to the control of the con
DIO (INTEN	B and Better		o Syr in m		nse cede	ettion re stern P April 1	measure	OK STOCK (s (tecns	B and Better	\$158.00 108.00 198.00		
Table 4-Bevre Sidoo (Exeand Red Cedar)	PCS*956 x*956	145 x 4"-3" and longer 145 x 6"-2" and longer 145 x 9"-2" to 8" shorts 145 x 6"-4" to 8" shorts	 For 9' and honer, add \$3.00. B and better, C and D, may contain 30 percent 3' to 819' in multiples of 6". B may contain 36 percent 3' to 859' in multiples of 6". 	K11474 No.1	SEC. 52. F. O. B. Celling prices; Incense cedar lumber—(a) Nomencialure.	grade and size terms appearing in this section refer to, and have the meanings given in, Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951). (b) Ceiling price tables. The following are the f. c. b. ceiling prices per one	thousand feet board measure, or other lumber covered by this regulation:	Rough RL. Air dried: No. 1 Grade, 30 percent and over cutting. No. 2 Grade, 25 percent to 30 percent cutting. No. 3 Grade, 12 percent to 30 percent cutting. Conditions	This trees, assume and thickness. 2. Scale based on dry thickness. Table 2.—Selects (Receive Cenae)	RW/RL 525 or 548	44 54 Chrough 74. 54 and Unicker	Condition: 1 Enugh. 2 Green. Watther 2 Specified widther C, and O and Better and B and Better:	444 544 through 7/4 844 and thicker D and Better and D: 444 54 through 7/4 8/4 Lengths: 4. Specified lengths: 4/4 and thicker.
		caled.			11 12"	\$03.00 \$5.00 30.00			- Spi		1 %	25.88.88 88.888 88.888	i i
		-65			11				RL p		21 12	No.	1
	ry price.	price and so a			11.00" 11	\$50.00 55.00 \$0.00	\$2.00 \$4.00	999	100. 1 \$3.50 from RL pt	100	2x 10" 2x	88888 88888	er. 114° prioss—soale a
	roent from dry price. 12" price.	S", 10", 12" price and so a		(EPVE)	-		Definet \$2.00, Definet \$4.00,	Add \$2.00. Add \$1.00. Add \$2.00.	Add \$4.00. Definet \$5.00 from RL price. Add \$2.00 to RL price.	Add \$4.00. Add \$3.00.	x 8" 2x 10"	Party.	price of 2 x 12". ber M. from 195" prices—scale as 2".
Deduct \$2.00.		Add \$5.00 to \$7, 10", 12" price and so scaled. Add \$5.00. Add \$5.00. Add \$5.00.	Add \$50.00. Add \$50.00. Add \$50.00.	Add S10.00. LAND RED CEDAR)	11.10"	900 854.00 544.00 544.00	Deduct \$2.00, Deduct \$4.00.	Add 52.00. Add 52.00. Add 52.00.	Add \$4.00. Deduct \$3.00 from RL p. Add \$2.00 to RL price.	Add 84.00.	x 8" 2x 10"	88888 88888 88888	or M
Deduct 82.00.			Add \$50.00. and thicker, Add \$500. Add \$500.	BOARDS (INLAND RED CEDAR)	11.8" 11.10"	550,00 55,00 50,00 50,00 50,00	Deduct \$2.00. Definet \$4.00.	Add 8:00. Add 8:00. Add 8:00.	Add \$1.00 from RL p Deduct \$1.00 from RL p Add \$2.00 to RL prion.	Add 84.00. Add 85.00.	x 8" 2x 10"	88.00 88.00 88.00 88.00 88.00 88.00 88.00 88.00 88.00 88.00 88.00 88.00 88.00 88.00 88.00	Deduct \$1.00. Deduct \$1.00. Deduct \$4.30. Add \$2.00 to price o Add \$5.00. Add \$5.00. Deduct \$5.00. Deduct \$2.00 per M Add \$9.00.
Deduct \$2.00.			54 and thicker—8 through 16 Add 80.00. 55 and 27 Add 80.00. C. Restricted random lengths: 17 and longer, 44 and thicker, Add 85.00. 7. Additions to 44 prices: Add 80.00. Add 80.00.	4 CORNON BOARDS (IN	11.0" 11.8" 11.10"	00 785 00 785 00 785 00 795 00 795 00 795 00 795 00 795		A. Specified lengths: A. Specified lengths: No. 3 and Belter: A. Specified lengths: A. 4 st. 00. S" and where-S, 14 and 15. Add \$2.00.	[6]	nd 844	-Dimension (Nilano Rep Cedan) 2x4" 2x6" 2x10"	\$55.00 \$1.00	or M

reent from dry price.

Condition:	Deduct	10 per
2. Rought No. 3 Clear, All thicknesses 4/4 No. 1 and No. 2 Shop	Deduct Deduct	\$2.00, \$1.00,
5/4 and thicker No. 1 Shop. 5/4 and thicker No. 2 and No. 3 Shop.	Deduct	\$1.60.

TABLE 4-COMMONS (INCENSE CEDAR)

All Grades: The ceiling prices are the same as the ceiling prices for Ponderosa Pine for same size and grade. (See tables 3, 3A, and 3B section 48.)
 Differentials for length and thickness and for rough and green, same as shown for Ponderosa Pine, section 48 footnotes to table 3, 3A, and 3B.

TABLE 5-MOULDING LUMBER (INCENSE CEDAR)

RW/RL 828 or 848:	0115 60
4/4	120.00
8/4 and thicker,	125, 90
Condition: 1. Rough	
2. Green Deduct 16 percent from dry price.	

SEC. 53. Ceiling price differentials and rules. (a) The following differentials and rules set forth in this section are applicable to the ceiling price tables shown in sections 45 through 52.

(b) The following additions for special provisions may be made to the applicable ceiling prices when the special provisions are specifically requested by the buyer:

(1) Ordinary resawing-Add \$4.00 per M.

(2) Resawing and S2S, all grades-Add \$7.50 per M.

(3) Ripping, per rip—Add \$3.00 per M.

(4) Novelty saw ripping-Add \$4.00 per M. (5) Ripping and S4S-Add \$7.50 per

M. (6) Cross cutting, per cut-Add \$2.50

per M.

(7) Cleating (ordinary)-Add \$5.00 per M.

(8) Bundling (ordinary)-Add \$3.00 per M.

(9) Bundling (export)-Add \$10.00 per M.

(10) Stock S4S wider than standard widths (hit or miss) as shown in Standard Grading Rules of the Western Pine Association-Add \$2.50 per M.

(11) Cutting to specified length-Add \$2.50 per M.

(c) Stock surfaced thicker than standard: When buyer orders lumber surfaced thicker than the standard thickness sizes, (hit or miss), shown in Standard Grading Rules of the Western Pine Association, the following additions may be made to the applicable ceiling prices:

For 1/2"—Add \$2.50 per M. For 1/6"—Add \$5.00 per M. For 3/2"—Add \$7.50 per M.

(d) Standard Patterns: (1) For standard patterns of Casing and Base, Jambs, Sill Stock, Pulley Stiles, Log Cabin Siding, Dolly Varden Siding, 8" or 10" Bevel Siding, Corn Cribbing, and Knotty Pine Panelling patterns (not moulding grade), run from any grade desired and shipped machine run, \$12.50 per M may be added to the applicable ceiling prices of the size and grade ordered.

(2) For standard patterns, other than S2S and S4S, which are not listed in subparagraph (1) above, \$5.00 per M may be added to the applicable ceiling prices of the size and grade ordered.

(e) Open car loading: When requested by buyer and when material is of a type ordinarily loaded in box cars, a charge of \$3.50 per M may be made. This charge includes the cost of stakes and all material required to secure the load firmly.

(f) Any ceiling price based on a percentage addition or deduction must be rounded to the nearest 25 cents.

(g) Random lengths are 6' and longer unless otherwise provided in the ceiling price tables.

(h) Log cabin siding. (1) All grades one inch and two inches-you may add \$15.00 per M to the ceiling price of the same grade, size, and seasoning.

(2) All grades three inches-you may add \$18.00 per M to the ceiling price of the same grade, size, and seasoning.

(3) Machine droppings-you may include up to 15 percent at \$10.00 per M less than the ceiling price for the grade ordered.

(4) For less than 3 MBM-you may add a flat set-up charge of \$15.00 to the applicable ceiling prices.

Sec. 54. F. O. B. prices; all species ungraded lumber. The following are the f. o. b. ceiling prices per one thousand feet board measure of ungraded lumber covered by this regulation:

TABLE 1

Mixed species (not separated as to species) or for straight shipments of Larch, Douglas fir, White Fir, Englemann spruce, Lodgepole pine, Red cedar, Incense cedar,

2" and thicker, green, rough____ \$64.00 4/4, 5/4, 6/4 and 7/4, green, 66 00 rough

TABLE 2

Ponderosa Pine and Sugar Pine in mixed shipments and for straight Ponderosa Pine shipments (no other species included):

> 2" and thicker, green, rough ... 4/4, 5/4, 6/4 and 7/4, green, 70, 00 rough -

TABLE 3

Sugar Pine (no other species included):

2" and	thicker,	green, rough	872.00
4/4, 5/	/4, 6/4	and 7/4, green,	
rough	h		74.00

TABLE 4

Idaho White Pine (no other species included):

2" and thicker, green rough	890.00
4/4, 5/4, 6/4 and 7/4, green, rough	92.00
For Dry Stock (applies to all	4.000
tables) Add	5.00

SEC. 55. F.O.B. Ceiling prices; railroad ties, all species. The following are the f. o. b. ceiling prices per one thousand feet board measure for untreated railroad cross and switch ties, of all species covered by this regulation, conforming to the Specifications of the American Railway Engineering Association (1934):

TABLE 1-CROSS TIES

8	9						_				4		 	 å				.,	.,	-	 è	-	-	₿	76	9	50	
8	Z	8	3	9	-			-				-				-		2		_	-	-	_		79	d	50	
9							_	_	_		_	_	 			_				 _		 			79.	1	50	
										5									Đ.									

TABLE 2-SWITCH TIES

9' and longer____

Note: If you wish to sell railroad cross and switch ties covered by this regulation which do not conform to the Specifications of the American Railway Engineering Association (1934), you must apply for the establishment of a special ceiling price under the pro-visions of section 30 of this regulation.

SEC. 56. Table of established weights. The following are the established weights for lumber subject to this regulation;

		M.
	Lhe., dry	Lbs., green
PONDEBOSA PINE AND IDAHO WHITE PINE, WHITE FIR, ENGELMANN SPRUCE, LODGEFOLE PINE		
Selects, Commons, and Shop: Standard Surfacing, 4/4, S2S, S4S,		
or Pattern	1,500	2,450
Standard Surfacing, or Pattern, 5/4 and thicker	2, 200	2,900
Sorfseed, or Pattern, 11/4"	1,650	2,150
Rough, 4/4" Rough, 5/4" and thicker	2,400	3, 100
Rough, 5/4" and thicker	2,600	3, 200
Dimension:		- 2000
Standard Surfacing, 194", SISIE	2,000	2,700
or S48. Sub-Standard Surfacing, 191a",		2010
SISIE or S4S	1,800	2,300
Surfaced thicker than Standard, I	2, 200	2,900
134", \$181E or \$48	2,600	3,300
Plank and Timbers:	BORSON	120.000
Surfaced, S181E or 848	2,200	2,900
Rough	2,600	3,300
Lath: 4 ft. (per M pieces)	450	750
32" (per M pieces)	300	500
Snow Fence	700	1,100
Cut Stock:		
Machined to Pattern	1,600	******
Rough	2,500	*******

Date of the Paris of	Per M Ft. B, M.	
	Lbs.,	Lbs., green
LARCH-DOUG LAS FIR		
4/4 S2S or S4S 4/4 run to pattern 1", 114", 114" all grades Rough Timbers and Plank, Surfaced Timbers and Plank, Rough Dimension, Standard Surfacings	2, 200 2, 000 2, 700 2, 800 3, 000	2, 800 2, 600 3, 300 3, 400 3, 600
2 x 6 and 2 x 8 2 x 10 and 2 x 12. 5/4 and thicker, surfaced or pattern same weights at corresponding widths of standard dimension.	2, 200 2, 250 2, 300	2,800 2,850 2,900
194e" Dimension 195e" Dimension—all Douglas Fir. Log Cabin Siding %" stock machined to pattern 4," stock machined to pattern 4," Bevel Siding 4 x 8 and 10" Bevel Siding 4 Lath, per M pieces 32" Lath, per M pieces Snow Fence Lath, per M pieces BATIENS (ALL ABOVE SPECIES)	2, 000 1, 900 1, 700 1, 400 500 800 1, 200 600 350 800	2,600 2,500 2,200 2,200 550 1,100
1" Battens, plain or O, G., per M lin. ft Battens, per M lin. ft. Other Grades and Patterns: Log Cabin Siding. 54" or 14" Panel Stock. Bevel Siding. Additions and Deductions: Pitchy Selects, and 300 lbs. to corresponding items.	200 200 1,600 1,400 750	
4/4 and thicker, 848 or 828	2,000 2,300	2, 550 3, 000
AED CEDAR 4/4, all Grades, Surfaced or Pattern 4/4, all Grades, Rough 6/4, and thicker, Surfaced or Pattern 6/4, and thicker, Rough Timbers and Plank, surfaced Bevel Siding Lath INCENSE CEDAR	1,600 2,100 2,000 2,300 2,300 2,000 450	2, 200 2, 800 2, 700 3, 000 2, 700 750
Pencil Stock. All other Income Cedar Items, same weights as Ponderosa Pine.	2,300	

Effective date. This regulation shall become effective June 30, 1952.

Nors: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

> ELLIS ARNALL, Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7292; Filed, June 30, 1952; 12:11 p. m.]

[Ceiling Price Regulation 17, Supplementary Regulation 9]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LLQUEFIED PETROLEUM GASES, NATURAL GAS, PETROLEUM GAS, CASING-HEAD GAS AND REFINERY GAS

SR 9—TANE WAGON AND RACK CEILING PRICES IN CERTAIN WEST COAST REFINERY AND TERMINAL PRICE AREAS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 9 to Ceiling Price Regulation 17 is hereby issued.

No. 128-4

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 17 establishes specific dollars-and-cents ceiling prices for tank wagon and "rack" sales of automotive gasoline in certain West Coast refinery and terminal price areas. The prices normally charged by wholesalers of motor gasoline in these areas for tank wagon sales were approximately uniform in each area for several years antedating the issuance of Ceiling Price Regulation 17. For "rack gasoline", however, which was sold in substantial volume at the refineries or refinery facilities and at certain bulk storage plants, sales were made to a special class of purchasers at a customary differential below the prevailing tank wagon price for the area. This type of discount transaction is customarily referred to as the sale of "rack gasoline" or "rack price gasoline." This gasoline is sold either f. o. b. the refinery or bulk plant, with transportation provided by the ultimate consumer or buyer, or is sold on a delivered-at-destination basis which consists of the "rack price" plus customary transportation charges.

In establishing specific dollars-andcents ceiling prices in the areas designated, consideration has been given to the correction of price inequities which existed to a minor degree in some instances. Such inequities were caused mainly by price wars which were in effect immediately prior to and during the base period. Failure to adjust these ceiling prices would prolong existing price inequities among sellers and retain price inequities which would have been eliminated had the market been free to adjust itself.

Examination of prices on "rack gasoline" shows that the customary differential off tank wagon is predominantly 3 cents per gallon, as established in this regulation. In a few instances the discount is slightly less than 3 cents, while in others it is higher as a result of price war conditions which existed during the latter part of 1950 and continued through the base period.

It is also the purpose of this supplementary regulation to restore and establish the customary differential between the tank wagon ceiling price and the "rack" ceiling price to give relief to those sellers whose ceilings were frozen at abnormally low levels.

The determination of ceiling prices, as effected by this supplementary regulation, is regarded as essential to the maintenance of gasoline supplies through customary channels of distribution. Depletion of gasoline inventories has resulted in a tight supply situation and a dislocation of supply channels threatens within the areas unless the price inequities are removed.

The customary pricing practice on the Pacific Coast is to quote wholesale prices for deliveries other than by tank wagon in terms of discounts under or premiums over the tank wagon price. It is, therefore, essential to establish, coincident with the restoration of the normal differential for "rack" transactions, the prevailing tank wagon prices as the ceiling prices. Evidence is on file to show that the posted tank wagon prices of sellers

in the areas covered by this supplementary regulation were, as of September 1, 1951, and have continued to be the prevailing tank wagon prices. No change in general price levels is being affected. Because of the existence of reasonably uniform prices, the establishment of dollars-and-cents prices is facilitated. The specific tank wagon prices which are spelled out by this regulation were in effect in the latter part of 1950; they became the ceilings during the base period; and have been maintained to date. They are regarded by the West Coast Petroleum Wholesale Industry Advisory Committee as fair and equitable. Moreover, the establishment of dollars-and-cents ceiling prices for tank wagon deliveries is in accordance with the announced policy of this Agency to establish specific ceiling prices, which situation is desirable from the standpoint of the consuming public, the sellers and the Government.

In the preparation of this supplementary regulation the Director has consulted with industry representatives including the West Coast Petroleum Wholesale Industry Advisory Committee and trade association representatives, to the extent practicable and has given consideration to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Applicability of supplementary regulation.

2. Definitions.

- 3. Ceiling prices for tank wagon deliveries.
- 4. Rack gasoline.
- 5. Transportation.
- Applicability of Ceiling Price Regulation 17.

AUTHORTY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

Section 1. Applicability of supplementary regulation. This supplementary regulation sets specific ceiling prices for tank wagon sales of regular, automotive and marine gasoline, sets a specific discount of 3 cents per gallon for sales of "rack gasoline" and sets quantity differentials in the areas of San Francisco Bay, Hanford, Bakersfield, Stockton, and Sacramento, California; Portland, Oregon; Tacoma and Seattle, Washington. This regulation is not applicable, nor does it refer to cargo sales of gasoline.

Sec. 2. Definitions. When used in this supplementary regulation the term:

(a) San Francisco Bay area includes Richmond, Oleum, Martinez, Avon Refinery and Terminal Price Area, including Parr Terminals in Cities of Oakland and Alameda and is that area bounded by a line commencing at a point on the easterly shoreline of San Francisco Bay immediately south of Mulford Landing (approximately West Avenue 144 if said avenue were projected to San Francisco Bay); thence, running due east to East 14th Street; thence, running northwesterly along Skyline Boulevard to the common boundary line of Contra Costa and Alameda Counties; thence, running northwesterly along Lake Chabot Road, Skyline Boulevard and Grizzly Peak Boulevard, approximately following the common boundary line of Contra Costa and Alameda Counties to a point at the northeast corner of the University of California Campus; thence, running due north to Pinole Valley Road; thence, running in an easterly direction along Pinole Valley Road to its junction with Bear Creek Road and Alhambra Valley Road: thence, running in a straight line to the southern and eastern city limits of Clayton; thence, running due north to a point on the south shoreline of Suisun Bay east of McAvoy; thence, running generally in a western direction along the south shoreline at Suisun Bay, Carquinez Straights and San Pablo Bay, embracing the cities of Port Chicago, Avon, Martinez, Port Costa, Crockett, Oleun, Rodeo, Pinole, and Richmond; thence, running southeasterly along the shoreline of San Francisco Bay to the point of commencement.

(b) Hanford area includes Hanford Refinery and Terminal Price Area, and is that area bounded by a line commencing at a point at the southerly limits of Traver on Highway 89, thence, due west to the northerly limits of Laton, thence, southwest to the westerly limits of Hardwick, thence, due south to Kansas Road, thence, east along Kansas Road to a point due south of point of commencement, thence, due north to point of commencement, thence, due north to point of commencement.

(c) Bakersfield area includes Bakersfield Refinery and Terminal Price Area and is that area bounded by a line commencing at the northwest part of the town of Lerdo, thence, southwesterly to intersection of Enos Lane and Fraser Road, thence, southerly on Enos Lane to its intersection with U. S. Highway 399 (Taft-Bakersfield Highway), thence, east through and including towns of Old River and Panama to and including Greenfield, thence, northeasterly to Town of Edison, thence, north to and including Granite Station, thence, southwesterly to point of commencement.

(d) Stockton, California, Includes Stockton Terminal Price Area and is that area bounded by a line commencing at the intersection of U. S. Highway 99 and Eight Mile Road, thence, west to intersection with Thornton Road, thence, westerly to confluence of San Joaquin and Old River, thence, southerly along Old River to and including Woodward Island, thence, east to Middle River, thence, southeasterly along Middle River, thence, southeasterly along Middle River to a point where Highway 120 crosses Middle River, thence, east along Highway 120 to and including Simms, thence, north to and including Town of Linden to Waterloo Road, thence, west to Jack Tone Road, thence, north to Eight Mile Road, thence, west to point of commencement.

(e) Sacramento, California, includes Sacramento Terminal Price Area and is that area bounded by a line commencing at the intersection of Sankey Road with Sacramento River, thence, east to Sutter County line, thence, south to Sacramento County line, thence, easterly along county line to a point due north of Town of Antelope, thence, south on a line to include Antelope, Carmichael, Mills, and Mather Air Force Base to Highway 16, thence, southwest to and including Florin, thence, due west to a point two miles west of Sacramento River, thence, northerly along a line two miles west of the Sacramento River including West Sacramento, Broderick and Bryte to a point two miles due west of point of commencement, thence, due east to point of commencement, thence, due east to point of commencement.

(f) Portland, Oregon, includes Portland Terminal Price Area and is that area bounded by a line commencing at Columbia River, thence, southerly and east along the west bank of said river to a point due north of 122nd Avenue, thence, south through Gilbert to Multnomah County Line, thence, southwest through Battin and Milwaukee to and including Oswego, thence, north to the Multnomah County-Washington County line following same northwesterly to point of commencement, including the towns of Hillsdale, Willbridge, and Burlington.

(g) Tacoma, Washington, includes Tacoma Terminal Price Area and is that area bounded by a line commencing at the northern section of Pierce County line to Puget Sound, thence, east and southeast along County line to and including Milton, thence, south on a line west of Puyallup to Kirby, thence, west through Loveland and below Fort Lewis to the Nisqually River, thence, north through Dupont to Puget Sound and northward along east shortline thereof to point of commencement.

(h) Seattle, Washington, includes Seattle Terminal Price Area, and is that area bounded by a line commencing at Meadowdale on east shore of Puget Sound, thence, due east to U. S. Highway 99, thence, southeast to and including Kenmore at the north end of Lake Washington, thence, southerly along west shore of Lake Washington to and including Renton, thence, southwest on a line including Tukwila and Sunnydale to Three Tree Point on the east shore of Puget Sound to point of commencement.

SEC. 3. Ceiling prices for tank wagon deliveries. (a) Ceiling prices per gallon for tank wagon deliveries of regular gasoline in the enumerated areas and for the respective quantity differentials set forth shall be as follows:

	Regular grade gasoline, excluding all taxes				
	400 gal- lons and over	200-390 gal- lons	40-190 gal- lons	Under 40 gal- lons	
Son Francisco Buy Hanford Bakersheld Stockton Stockton Serumento Portland Seattle Tacoma	14.5 15.7 14.5 16.7 15.7 15.0 15.0 15.0	15.0 16.2 15.0 16.2 16.2 15.5 15.5	15.5 16.7 15.5 16.7 16.7 16.0 16.0	18. 5 19. 7 18. 5 19. 7 19. 7 19. 0 19. 0	

(b) Ceiling prices for premium grade gasoline in the aforementioned areas for each seller shall be his price for regular gasoline as listed in paragraph (a) of this section for that area, to which he shall apply his customary differential between regular and premium grades of gasoline delivered by tank wagon.

(c) Ceiling prices for third grade gasoline in the aforementioned areas for each seller shall be his price for regular grade gasoline as listed in paragraph (a) of this section for that area, to which he shall apply his customary differential between regular and third grade gasoline delivered by tank wagon.

SEC. 4. Rack gasoline. (a) The ceiling price for "rack gasoline" of regular grade, f. o. b. refineries or refinery facilities or bulk plant facilities to that class of purchaser buying "rack gasoline" in the areas covered by this regulation shall be 3 cents per gallon below the specified tank wagon ceiling prices for quantities as established in section 3 (a) of this supplementary regulation.

(b) The ceiling price of a refiner for "delivered-at-destination" sales of "rack price gasoline" originating in the areas set forth in Section 1 shall be the f. o. b. ceiling price for such gasoline as established by paragraph (a) of this section, plus the refiner's customary transportation charge.

(c) The ceiling price of resellers of "rack price gasoline" which originates in any of the areas covered by this regulation shall be increased by the amount of increased cost of product to the reseller resulting from increases in ceiling prices permitted their suppliers by this supplementary regulation, irrespective of the location of the sale within or without the areas covered by this regulation.

(d) To determine ceiling prices for premium grades of rack gasoline, each seller shall apply his customary wholesale differential between regular and premium grades. To determine ceiling prices for third grade rack gasoline each seller shall apply his customary wholesale differential between regular and third grade gasoline.

SEC. 5. Transportation. The ceiling prices established under this regulation may be adjusted to reflect increases in transportation costs, occurring since September 1, 1951, in accordance with section 25 of Ceiling Price Regulation 17.

Sec. 6. Applicability of Ceiling Price Regulation 17. Sellers subject to this supplementary regulation shall be subject to all provisions of Ceiling Price Regulation 17 not inconsistent with the provisions of this supplementary regulation.

Effective date. This supplementary regulation shall become effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

[F. R. Doc. 52-7299; Piled, June 30, 1952; 4:00 p. m.]

JUNE 30, 1952.

[Celling Price Regulation 22, Amdt. 7 to Supplementary Regulation 7

CPR 22-MANUFACTURERS GENERAL CEILING PRICE REGULATION

SR 7-MODIFICATIONS AND ALTERNATIVE PROVISIONS FOR MANUFACTURERS OF CHEMICALS

ALUMINUM FLUORIDE AND SYNTHETIC CRYOLITE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Supplementary Regulation 7 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 7 establishes ceiling prices for sales of aluminum fluoride and fluxing grades of synthetic cryolite by a manufacturer of those chemicals to replace the ceiling prices which the manufacturer has otherwise calculated under Ceiling Price Regulation 22. Aluminum fluoride and synthetic cryolite are now produced by two producers, the Aluminum Ore Company and the Reynolds Metal Company. Reynolds consumes all that it produces; the Aluminum Ore Company sells most of its production to its parent company, the Aluminum Company of America, but also sells a large portion of its production of aluminum fluoride to others. The largest pur-chaser of aluminum fluoride from the Aluminum Ore Company, other than the Ore Company's parent, is the Kaiser Aluminum and Chemical Corporation. Smaller amounts are, however, sold to other purchasers. Fluxing grades of synthetic cryolite produced by the Aluminum Ore Company are sold entirely to its parent company, the Aluminum Com-

pany of America.

Aluminum fluoride and synthetic cryolite are essential in the production of aluminum and have been certified by the Defense Production Administration as being in short supply. The expansion of the aluminum production program has required a corresponding expansion in the production of aluminum fluoride and synthetic cryolite. In order to increase its production of these chemicals from existing facilities, the Aluminum Ore Company has found it increasingly necessary to go outside of its normal sources of supply to obtain the raw materials required in their production, resulting in higher material costs to it. Higher material costs have also resulted from the fact that the Ore Company has been compelled to bring into operation less efficient facilities, which were hitherto in standby condition, and from the rise in the price of fluorspar. These higher material costs, according to data submitted to the Office of Price Stabilization by the Ore Company, have caused this producer to suffer a loss on all of its sales of aluminum fluoride and synthetic cryolite made since November 1. 1951, at the ceiling prices established by Ceiling Price Regulation 22. The essential nature of the commodities to the defense program requires that impediments to their production be removed.

and this supplementary regulation therefore adjusts the ceiling prices established under Ceiling Price Regulation 22 to a level which permits the producer to sell the commodities on a break-even basis,

The study made by OPS shows that the producer has suffered a loss on its sales of aluminum fluoride since November 1, 1951, which is about the time that it applied to OPS for a ceiling price adjustment. Because these sales were made principally to a single purchaser, who will also be the principal purchaser of the commodity in the future, it is not deemed inconsistent with the stabilization program to provide in this case that ceiling prices be established for a short period which will permit the seller to recover both its present costs, and the losses which it sustained since November 1, 1951, in its sales to that purchaser. At the end of the short period, the ceiling prices are reduced to a level that will permit recovery of present costs only. Thus, for the period June 1, 1952 to August 31, 1952, the ceiling prices established are somewhat higher than those established for the period on and after

September 1, 1952.

The expansion of the aluminum program will require the entry into the market of other producers of aluminum fluoride and synthetic cryolite. This enlargement of the market may make necessary a reexamination of the ceiling prices established by this regulation. On the basis of the information now available, however, it is the opinion of the Director that the ceiling prices established by this amendment are generally fair and equitable and meet the requirements of Title IV of the Defense Production Act of 1950, as amended. It is further his opinion that the increases reflected by these ceiling prices are necessary to avoid an impairment of production necessary for the defense effort.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 7 to Ceiling Price Regulation 22 is amended by adding a new section 9 to read as follows:

SEC. 9. Aluminum fluoride and synthetic cryolite. (a) This section applies to you if you manufacture aluminum fluoride and synthetic cryolite. It establishes ceiling prices for these commodities which replace those which you have calculated under Ceiling Price Regulation 22.

(b) Notwithstanding any other provisions of Ceiling Price Regulation 22, the ceiling prices for sales of aluminum fluoride and synthetic cryolite (fluxing grade) produced by you are as follows:

(1) Aluminum fluoride.

For bulk sales in carload lots: During period June 1, 1952, to August 31, 1952, inclusive, \$0.1229 per pound.

During period on and after September 1, 1952, 80.1104 per pound.

F. o. b. production point. The foregoing ceiling prices are for 80 percent grade aluminum fluoride. Your ceiling prices for bulk sales in carload lots of aluminum fluoride of higher than 80 percent grade are the foregoing ceiling prices plus \$0.0012 per pound for each one percent above 80 percent aluminum fluoride content.

For sale in bags or drums in carload lots of aluminum fluoride (82 percent aluminum fluoride content or more, crushed to pass through a four mesh screen)

During period June 1, 1952, to August 31, 1952 (per pound):

Sales in bags______ \$0, 1292

Sales in bags______ \$0, 1176

Sales in drums . 1211 F. o. b. production point. Drums and bags included.

(2) Synthetic cryolite (fluxing grades).

For bulk sales in carload lots: \$0.1098 per pound, f. o. b. production point.

(3) For sales of aluminum fluoride in amounts, grades or sizes other than those included in (1) above, and for sales of fluxing grades of synthetic cryolite in amounts other than those specified in (2) above, your ceiling prices are those determined by applying to the appropriate ceiling price in (1) or (2) the differentials required or permitted by Ceiling Price Regulation 22.

(Sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. Sup., 2154)

Effective date. This amendment is effective as of June 1, 1952.

> ELLIS ARNALL, Director of Price Stabilization.

JUNE 30, 1952.

F. R. Doc. 52-7295; Filed, June 30, 1952; 12:15 p. m.]

[Celling Price Regulation 68, Amdt. 1] CPR 68-PRODUCERS OF BRASS MILL PRODUCTS

ADJUSTMENTS IN CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 68 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 68 increases the ceiling prices for brass mill products to reflect increases in the cost of imported copper in accord with a directive issued by the Acting Director of the Office of Defense Mobilization.

Under the terms of an agreement between the United States and Chile, at the time CPR 68 was issued the price of Chilean copper being sold to the United States was set at 27½ cents per pound. On May 8, 1952, Chile terminated this agreement. Henceforth, all Chilean copper will be offered through ordinary commercial channels for sales at the best prices procurable.

Since the supply of domestic copper is insufficient to meet defense and essential civilian requirements, the Acting Director of the Office of Defense Mobilization on May 21, 1952, established and announced the policy which would be followed by the United States Government in order to meet the changed situation. The text of this announcement follows:

The agreement between the United States Government and the Chilean Government allocated 80 percent of the production of companies in Chile controlled by United States interests for purchase and import into the United States by U. S. private firms at 27½ cents a pound. It left the remainder of the production of copper in Chile to sell at much higher prices on the world market. This agreement was terminated by Chile as of May 8, 1952. The termination of this agreement and the copper strike in Chile, together with the Chilean stoppage of copper shipments since May 8 have produced shortages of copper for essential uses of the mobilization program in the United States.

It is necessary to meet the difficulties raised by these shortages and to permit the resumption of imports from Chile. It is also desirable to encourage an increase in the imports of copper from foreign countries, including Chile, over those previously prevailing. Consequently, the Government of the United States has adopted the following

policies to meet the emergency:

1. In order to encourage importation of adequate supplies of foreign copper by private buyers under existing conditions, the United States Government is acting through the Office of Price Stabilization to permit brass mills and copper wire mills to add to their ceiling prices an amount representing 80 percent of any increase in cost of foreign copper above the 27½-cent level contained in the Chilean agreement which has just been terminated. The Office of Price Stabilization will periodically announce the permitted increases in ceiling prices which will be adjusted to reflect variation in foreign prices of copper and in the ratio of foreign copper used. The initial adjustments will become effective on June 16, 1952.

Comparable treatment will be provided for other primary users of refined foreign copper, including copper produced in this country from foreign ores and concentrates. The impact of any changes in the ceiling prices of primary copper products at subsequent levels of production and distribution will be treated in accordance with the existing pricing standards of the Office of Price Stabilization.

2. It is the policy of the United States Government not to make now and to avoid in the future changes in the existing price ceilings on domestically refined copper, brass mill scrap, or copper, or copper alloy scrap,

3. In order to maintain a uniform price policy on brass mill and copper wire mill products, taking into account the changes in the price of foreign copper, the National Production Authority will allocate foreign and domestic supplies as equitably as practicable among United States users. Allocation will be used to equalize the impact of any higher foreign prices for copper and to permit in this way the import of more copper for the total use of the United States defense program.

Subsequently, industry representatives raised very strong objections to the policy embodied in this Directive. One of the principal objections was based upon the fact that a large proportion of brass mills had previously used little or no foreign copper and that consequently, their prices and costs were based on 24½ cents rather than 27½ cents metal. Consequently, it was agreed that any pass-through must be computed from the 24½ cents level in order to avoid serious injustice to these mills. On the basis of

these representations, the directive from the Acting Director of the Office of Defense Mobilization was revised subsequently to the extent that the adjustment in brass mill ceiling prices be related to the 24½ cents rather than the 27½ cents level.

Industry representatives have also suggested that ceiling price increases allowed by this amendment become effective July 1, 1952 rather than on June 16, and that the first period extend for 90 days before any possible adjustment be made. Because of the time involved in making price adjustments and the many variable factors entering into this change the later date appears preferable. It will also coincide with the proposed date to be used by the NPA in their plan of allocation. Accordingly, July 1, 1952 is the effective date of this amendment.

On and after July 1, 1952, the ceiling prices for brass mill products set forth in CPR 68 are adjusted as required by the ODM Directive. The amount of the increase is different for different products and is arrived at on the following

basis:

The price currently quoted by the Bank of Chile is the equivalent of 361/2 cents per pound delivered Connecticut Valley The difference between this figure and the 241/2 cents domestic price is 12 cents. 80 percent of this figure is 9.6 cents. In the absence of any actual experience in the operation of this program, it is anticipated that the ratio of consumption of foreign copper to domestic refined copper used in the production of brass mill products will be 40 percent foreign copper and 60 percent domestic copper, as provided in the National Production Authority plan of allo-cation. Applying the 40% foreign ratio to the 9.6 cents previously computed, yields an average increase in cost of 3.84 cents per pound of total primary copper purchased. The increase in ceiling price of all products except free-cutting brass rod due to the increased cost of copper is 3.84 cents per pound of copper content. In the production of free cutting brass rod, copper scrap constitutes about 20 percent of the raw materials used. Since this product contains about 621/2 percent copper, the increase due to increased cost of foreign copper, after allowing for the price decline in zinc, is 1.22 cents per pound of product.

At the time of issuance of CPR 68, the price of zinc was 171/2 cents per pound, East St. Louis, and the ceiling prices established in this regulation reflected this value of zinc. At the present time, this price of zinc has dropped to 15 cents per pound. This amendment requires that the ceiling prices of brass mill products containing any zinc be reduced to reflect the decreased cost of zinc in the same manner as they have been increased to reflect the increased cost of copper. Eighty percent of the 21/2-cent decrease is 2.0 cents per pound. Therefore, the ceiling price of copper base alloy brass mill products containing zinc must be reduced 2 cents per pound of contained

zinc.

It is anticipated that the adjustments in the celling prices made by this amendment will be modified from time to time to conform with changes in the price of imported copper and in the ratio of

imported copper to total copper used in the production of brass mill products. It is presently contemplated, however, that the price adjustments provided for in this amendment will be effective for a period of 90 days from July 1, 1952, and that a recalculation will be made as of September 15, 1952, to be effective October 1, 1952.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant facts of general applicability. In the judgment of the Director, the provisions of this amendment comply with the applicable provisions of the Defense Production Act of 1950, as amended.

In formulating this amendment, the Director consulted with industry representatives, including trade association representatives, to the extent practicable, and has given full consideration to their recommendations,

AMENDATORY PROVISIONS

Ceiling Price Regulation 68 is amended in the following respects:

1. Section 3 (e) is added to read as follows:

(e) Adjustments—(1) Free-cutting brass rod. You may add to the ceiling price as otherwise determined in this section, 1.22 cents per pound of product.

- (2) All other products covered by Section 3. You may add to the ceiling price as otherwise determined in this section, 3.84 cents per pound of copper contained in the product you are pricing. In the case of any product containing zinc, you must deduct from the ceiling price as otherwise determined in this section, 2.00 cents per pound of contained zinc.
- Section 4 (e) is added to read as follows:
- (e) Adjustments. You may add to the ceiling price as otherwise determined in this section, 3.84 cents per pound of copper contained in the product you are pricing. In the case of any product containing zinc, you must deduct from the ceiling price as otherwise determined in this section 2.00 cents per pound of contained zinc.
- 3. Section 6 (c) is added to read as follows:
- (c) Adjustments. You may add to the ceiling price as otherwise established in any letter order issued pursuant to this section, 3.84 cents per pound of copper contained in the product you are pricing. In the case of any product containing zinc, you must deduct from the ceiling price as otherwise established in any letter order issued pursuant to this section, 2.00 cents per pound of contained zinc.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Celling Price Regulation 68 shall become effective July 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.
June 30, 1952.

[F. R. Doc. 52-7298; Filed, June 30, 1952; 4:00 p. m.]

[Ceiling Price Regulation 105, Revision 1]

CPR 105-USED INDUSTRIAL AND CON-STRUCTION MACHINERY AND RELATED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Revision of Ceiling Price Regulation 105 is hereby issued,

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 105, issued originally on December 12, 1951, has fulfilled its purpose in a generally acceptable way. The pricing method used consisted of applying stated percentages based upon the age or condition of the used machinery, and multiplying the current price of a new machine of the same model by that percentage. statement of considerations issued at that time applies also to this revised regulation.

A number of modifications and clarifications have been incorporated in this revision. One of the more important changes is the inclusion in the base price of freight charges from the factory to the location of the used machine. Originally this part of the delivered cost was not included, but it has been found that the delivered cost, including freight, customarily has been a factor in establishing the value of used machinery. With this exception, this revision leaves unchanged the basic pricing provisions of the regulation.

Special provision is now made for "factory rebuilt and guaranteed" commodities so that under specified circumstances prices higher than those for reconditioned and guaranteed machines may be established. To qualify, the factory must have performed certain operations, and also must give the buyer a new machine guarantee.

The provisions and form of the guarantee, which must be given with reconditioned and guaranteed machines, have been revised to make them conform as closely as possible with regular practices of the industry and still give the buyer reasonable assurances that the machine is in good condition.

The revised regulation also covers the sale of unused commodities which were purchased for use but never used. The price obtainable is dependent upon whether the commodity is in new condition or has deteriorated.

The requirement that a used machine must be in condition to be restored to use in order that it may be priced under this regulation has been amplified by requiring each sale under this regulation to a steel mill, foundry or other consumer of scrap to be supported by a statement given to the seller by the purchaser stating that the machine is being purchased for use. Otherwise sales of old machines to consumers of scrap are priced under CPR 5, Iron and Steel Scrap. Ceiling prices for demolition projects such as refineries, mills and factories are established under Section 7 of the General Ceiling Price Regulation.

The revision, in addition, changes the provisions affecting dismantling and loading charges to make them more con-

sistent with industry practices; modi-fies the coverage of the regulation as outlined in Appendix A to insure against conflicts with other regulations; makes clear that a higher than ceiling price trade-in allowance for a used machine is not prohibited since it in effect results in a reduction in the price of the other item being purchased; and makes other minor modifications and clarifications of the original regulation.

In the judgment of the Director of Price Stabilization, the provisions of this revised regulation are fair and equitable to buyers and sellers alike and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this regulation, there has been consultation with industry representatives, including the Construction Machinery Sales, Service and Rental Industry Advisory Committee and trade association representatives, and consideration has been given to their recommendations.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation.

REGULATORY PROVISIONS

- 1. Sellers and sales covered by this regulation.
- 2. Ceiling prices of used commodities.
- Export sales.
- 4. Used commodities, the ceiling price of which cannot be determined under section 2.
- 5. Factory rebuilt and guaranteed commodities.
- 6. Government sales.
- 7. Resale of an unused commodity.
- Trade-in allowances
- 9. Sales to consumers of scrap metals.
- 10. Terms and conditions of sale.
- 11 Taxes.
- 12. Petition for amendment.
- Supplementary regulations or orders.
- Modification of proposed celling prices by Director of Price Stabilization,
- Invoicing.
- 16. Records. Notice of auction sales.
- 18. Interpretations.
- 19. Prohibitions.
- 20. Evasion.
- 21. Charges lower than ceiling prices.
- Violation.
- 23. Definitions.

AUTHORITY: Sections 1 to 23 Issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV. 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

Section 1. Sellers and sales covered by this regulation—(a) Applicability. This regulation applies to the sale of any used commodity as listed in Appendix A, and to used parts, accessories, subassemblies, components, and attachments of such commodities. It also applies, under certain conditions, to the resale of an unused commodity listed in Appendix A. Section 2 tells you how to determine your

ceiling price for the commodities listed in Appendix A. This revision supersedes any regulation previously issued by the OPS, insofar as transactions covered by

this regulation are concerned.

(b) Geographic coverage. This regulation is applicable to transactions in the United States, its territories and possessions, and the District of Columbia.

(c) Description. This section is intended only as a general description to aid in understanding this revised regulation; the following sections are controlling.

Sec. 2. Ceiling prices of used commodities-(a) Reconditioned and guaranteed commodities. Your ceiling price for a reconditioned and guaranteed used commodity listed in Appendix A is either (1) 85 percent of its base price or (2) the price determined under the "depreciation method" set forth in paragraph (d). An explanation of the term "base price" is found in paragraph (c).

(b) Commodities that do not qualify as reconditioned and guaranteed. Your celling price for a used commodity that does not qualify as reconditioned and guaranteed is either (1) 55 percent of its base price (see paragraph (c)) or (2) the price determined under the depreciation method set forth in paragraph (d). If you sell a used com-modity which is not "reconditioned and guaranteed", you shall deduct from the base price of such commodity the current cost of any missing parts or components before determining your ceiling

(c) Base price.-The "base price" that you must use in fixing the ceiling price of a used commodity shall be the first applicable of the following prices:

(1) The price f. o. b. factory for the same commodity, when new, stated either as the current published net price of the manufacturer to users, or as the current published list price of the manufacturer less the manufacturer's smallest discount, if any, to users in effect at the time the used commodity is sold, or if published prices are not available the currently quoted net price to users for the commodity, when new, at the time of the sale of the used commodity, plus freight at current carload freight rate from the factory where the item was manufactured to the freight station nearest the location of the used commodity being sold (except where the manufacturer's current price includes such freight costs).

(2) The current price f. o. b. factory of the nearest equivalent currently manufactured commodity of the same class, type and function, with the same rating or capacity as stated by the manufacturer of such commodity, less the manufacturer's smallest discount, if any, to users, plus freight at current carload freight rate from the factory where the item was manufactured to the freight station nearest the location of the used commodity being sold (except where the manufacturer's current price includes such freight costs). In determining the rating, the following shall be used as guides: H. P., B. H. P., K. V. A., K. W., drawbar H. P., gallons per minute, lifting capacity, bucket or dipper size, foot pounds, pounds per square inch, weight

or other industry standards.

(3) The current price f. o. b. factory of a commodity of the same class, type and function with the nearest equivalent rating, as stated by its manufacturer, less the manufacturer's smallest discount, if any, to users, plus freight at current carload freight rate from the factory where the item was manufactured to the freight station nearest the location of the used commodity being sold (except where the manufacturer's current price includes such freight costs). In determining the "nearest equivalent rating", the following shall be used as guides: H. P., B. H. P., K. V. A., K. W., drawbar H. P., gallons per minute, lifting capacity, bucket or dipper size, foot pounds, pounds per square inch, weight or other industry standards.

(4) Where it is impossible to determine, under paragraphs (2) or (3), the "base price" of a used commodity which is no longer being manufactured or is a discontinued model, your "base price" for such used commodity is the manufacturer's last price f. o. b. factory for the same commodity when new, stated in his last applicable price list, less his smallest discount, if any, to users at the time the model was discontinued, plus the freight at current carload freight rate from the factory where the item was manufactured to the freight station nearest the location of the used commodity being sold (except where the manufacturer's price to the user in-cluded such freight costs).

(5) Where a particular used commodity was not manufactured in the United States, the last price to a user for the commodity when new, landed in the United States, plus freight at current carload freight rate from point of entry to the freight station nearest the location of the used commodity being sold.

(6) At the option of the seller and as an alternative to any of the above methods, the base price may be the acquisition cost to the user of the commodity when new, exclusive of transportation charges, plus freight at current carload freight rate from the factory where the item was manufactured to the freight station nearest the location of the commodity being sold (except where the manufacturer's price to the user included such freight costs).

(7) Where a used commodity has been modified, the specifications of the machine as it currently exists shall be used in determining the base price, using the first applicable method of paragraphs

(1) through (6) inclusive.

(d) Depreciation method. You may, at your option, use the depreciation method outlined below in determining ceiling prices for only those categories, types, or classes of used commodities listed in Appendix B of this regulation.

You determine your ceiling price of any such used commodity under the de-

preciation method as follows:

(1) Determine the base price of the used commodity under paragraph (c).

(2) Determine the period of time from the date of acquisition of the commodity for first use, when new, to the date of sale of the used commodity. You figure this period of time in years and fractions of a year. In measuring this period of time you regard a fractional period of a month consisting of sixteen days or more as a full month, and you disregard a fractional period of a month consisting of fifteen days or

(3) Determine the depreciation percentage rate for the used commodity

from the table in Appendix B.

(4) Multiply the depreciation per-centage rate found under (3) by the years and fractions of a year determined

(5) Multiply the base price of a used commodity by the percentage found

under (4)

(6) Deduct the amount found under (5) from the base price of the commodity. The result is the ceiling price of a used commodity. However, a ceiling price exceeding 80 percent of the base price may not be used unless you give a warranty identical to that specified in Appendix C for reconditioned and guaranteed commodities.

(e) Sales by dealers in the territory of Alaska. If you are a dealer with a place of business in Alaska, and bring in any item of used equipment covered by this regulation from other points in the United States or its territories and possessions for resale in Alaska, you may arrive at your ceiling price by first computing the ceiling price of such item at Seattle, Wash., including in the "base price" of the item, as determined under paragraph (c) of this section, the current charge for normal transportation of such item from point of production to Seattle. You may then add to the ceiling price at Seattle thus computed, the amount of separately stated freight charges, for normal methods of shipping, actually incurred by you in shipping such item from Seattle to the point of delivery in Alaska. This new figure then becomes your ceiling price for sales in Alaska.

SEC. 3. Export sales. The ceiling price at which a used commodity covered by this regulation may be exported must be determined in accordance with the methods provided in Ceiling Price Regulation 61 (Exports), issued by the Office of Price Stabilization.

SEC. 4. Used commodities, the ceiling price of which cannot be determined under section 2. If you are unable to determine your ceiling price for a used commodity under section 2, you apply to the Office of Price Stabilization to approve a ceiling price in line with the level of ceiling prices established by this regulation. In order to apply for this approval, you file a report, by registered mail, return receipt requested, with the Industrial Materials and Manufactured Goods Division, Machinery Branch, Office of Price Stabilization, Washington 25, D. C. This report must contain the following information:

(a) Your business name and address.

(b) A description of the used commodity for which you propose a ceiling price. This description shall include the manufacturer's name, type, model, size, serial number, condition (rebuilt and guaranteed, or as is), age, cost to you, the date of purchase, and whether you purchased the commodity new.

(c) A statement by you as to why you cannot determine your ceiling price under section 2 of this regulation.

(d) Your proposed ceiling price.

(e) A statement, in detail, of the method by which you determined your proposed ceiling price. If your proposed ceiling price was determined on the basis of bids or offers to purchase, state the name and address of the person making the bid or offer and the price offered.

(f) A statement of the reasons why you believe that your proposed ceiling price is in line with the level of ceiling prices established by this regulation.

After receipt of this report, the Office of Price Stabilization may approve the proposed ceiling price, disapprove the proposed ceiling price, establish by order a different ceiling price, or request further information. If thirty days after receipt of the required report by the OPS, as evidenced by your return registry receipt, none of the actions just listed has been taken, you may sell at your proposed ceiling price.

SEC. 5. Factory rebuilt and guaranteed commodities. (a) This section applies to you only if you are a manufacturer and you rebuild a used commodity or commodities of your own make of a class, type or kind listed in Appendix A of this regulation, and are reselling such commodity or commodities as "factory rebuilt and guaranteed" with your customary new machine guarantee; and if during the period July 1, 1949, to June 24, 1950, you sold such "factory rebuilt and guaranteed" commodities of the same type and of your own make at more than 85 percent of your then current selling price of such commodities. An explanation of the term "factory rebuilt and guaranteed" is found in section 23 (Definitions)

(b) Notwithstanding the provisions of section 2 (a) of this regulation, if you meet the conditions of paragraph (a) of this section, and if you desire to determine your ceiling prices for "factory rebuilt and guaranteed" commodities in accordance with this section, you shall file a report, by registered mail, return receipt requested, addressed to the Industrial Materials and Maufactured Goods Division, Machinery Branch, Office of Price Stabilization, Washington 25, D. C., requesting approval of your proposed ceiling price or method of determining your ceiling prices for factory rebuilt and guaranteed commodities of your own make which comply with the requirements of paragraph (a). Ceiling prices established under this section shall not exceed prices computed by applying to the "base price" (as defined in section 2) the percentage referred to in paragraph (a) which you applied to your then current sales prices of new commodities of the same type during the period from July 1, 1949, to June 24, 1950, in order to derive the sales price of "factory rebuilt and guaranteed" commodities of your own make.

- (c) Your report shall contain the following information:
 - (1) Your business name and address.

(2) A list of the commodities which you rebuild and guarantee, and the brand name or trademark and identity of the product line under which the commodities fall. Your catalogue or published price list will be sufficient for this

(3) The percentage of the current price of the new machine which you used during the period July 1, 1949, to June 24, 1959, and which you propose to use in establishing your ceiling price for your "factory rebuilt and guaranteed" com-

modity or commodities.

(4) The form of guarantee or warranty which you issued and propose to issue to the buyer with each sale of a "factory rebuilt and guaranteed" com-modity priced under the provisions of

this section.

After receipt of this report, the Office of Price Stabilization may approve your proposed method of determining your ceiling prices, disapprove your proposed method of determining your ceiling prices, establish by order a different method of determining your ceiling prices, or request further information. If thirty days after receipt of the required report by the Office of Price Stabilization, as evidenced by your return registry receipt, none of the actions just listed has been taken, you may determine your ceiling prices by your proposed method,

SEC. 6. Government sales. (a) The Government may, at its option, use the provisions of either subsections (b) or (c) of this section to determine the ceiling price for its sale of a used commodity, or it may use the applicable portions of the other sections of this regulation for such purpose. This section applies only to sales by the United States, its agencies and departments, referred to in this section as the "Government".

(b) First optional method. (1) Notwithstanding the provisions of any other section of this regulation, the ceiling price for sales by the Government of a used commodity may be either 65 percent of the "Government's acquisition cost" of the commodity (see paragraph (b) (2) of this section) or the price determined under the depreciation method set forth in paragraph (b) (3), not in excess of 80 percent of the Government's acquisition cost of the commodity. The "acquisition cost" of a commodity which the Government uses in fixing ceiling prices under this section is the net invoice price at which the Government originally acquired the commodity when it was new.

(2) Depreciation method. The Government may use the depreciation method set out in section 2 (d) in figuring the ceiling price of commodities listed in Appendix B. In using that method, however, the Government substitutes "Government acquisition cost" (paragraph (b) (2) of this section) for "base price" (section 2 (c)). The Government may not determine the ceiling price of a used commodity under the depreciation method unless it gives the purchaser a statement, signed on its behalf by an official duly authorized thereto, before, or at the time of the purchase or delivery of any used commodity priced under the depreciation method. This statement shall contain (1) a description of the used commodity which is sufficient

to permit its identification, and (2) the date of acquisition of the commodity by the Government.

(c) Second optional method. Notwithstanding any other provision of this regulation the Government may determine a celling price for its sale of an unclassified lot of used commodities, whether or not salvage or other surplus items are also included, on the basis of the entire lot, provided that the ceiling price so determined may not exceed 65 percent of the Government's acquisition cost, actual or estimated, of the items included in such lot. However, and in lieu of any other invoicing or record keeping provision of this regulation, the Government shall prepare a record, signed by its selling officer and filed in the selling office of the sale, showing the method by which the ceiling price was determined.

(d) Conditions of government sales. The special provisions of this section apply to the sale of a Governmentowned commodity on an "as is", "where is" basis. On such sales, the Government is not required to deduct from the "base price" the cost to the purchaser for any missing parts or components. In any sale of a commodity at a ceiling price determined under this regulation, the Government is not obliged to dismantle, load or package the commodity.

Sec. 7. Resale of an unused commodity. (a) This section applies to you only if you are reselling a new and unused, or a shelf-worn and unused commodity listed in Appendix A, which you originally purchased for use, and you are not the manufacturer, wholesaler, distributor or dealer handling such commodities.

(b) For the purpose of this section, such commodities are divided into two

groups, as follows:

(1) Group 1: A new and unused or a shelf-worn and unused commodity which, since manufacture, has been so protected from damage, corrosion or deterioration that it is in condition to render performance equivalent to that of the same commodity when new.

(2) Group 2: A new and unused or a shelf-worn and unused commodity which, since manufacture, has been damaged, corroded or deteriorated to the extent that it is not in condition for use without repairs or reconditioning before it can render performance substantially equivalent to that of the same commodity when new.

(c) Your ceiling price for a Group 1 commodity as described in paragraph (b) is your acquisition cost for that com-

modity.

(d) A Group 2 commodity as described in paragraph (b) is to be considered a "used commodity", and its ceiling price is to be determined by the applicable provisions of this regulation for used commodities.

SEC. 8. Trade-in allowances. regulation does not limit the amount allowed for a used machine as a trade-in credit on the price of another machine, either used or new, except that the sum allowed may not be greater than the ceiling price of the new or used machine for which it is being traded in.

SEC. 9. Sales to consumers of scrap metals. Used commodities listed in Appendix A, when sold to a consumer of scrap metals, shall not be priced under the provisions of this regulation except when such consumer of scrap metals, at the time of purchase, gives the seller a signed statement that the commodity will be used in purchaser's operations, and that it is not to be reduced to scrap

Sec. 10. Terms and conditions of sale-(a) Normal services for dismantling, preparation or loading. Celling prices established by this regulation are for used commodities at the point of shipment and include only such dismantling, preparation or loading services as the seller normally performed without extra charge, when selling the same type of used commodity during the period July 1, 1949, to June 24, 1950. Such services are referred to herein as

"normal services."

(b) Special services for dismantling, preparation or loading. In the event the buyer requests the seller, in writing, to perform special dismantling, preparation or loading services differing from his "normal services", referred to in paragraph (a) of this section, which cost the seller cither more or less than such "normal services", the "ceiling price" determined under section 2 of this regulation shall be either increased or decreased, as the case may be, by the difference between the direct materials and labor costs for seller's "normal services" and such costs for the "special services" requested in writing by the buyer. Any charges for increasing "normal services" or credits for decreasing "normal services" shall be stated separately on the invoice covering the sale of the commodity.

(c) Credit charges. You may add to the ceiling prices established by this regulation charges for the extension of credit, but only if (1) during the period July 1, 1949, to June 24, 1950, you required the payment of a separately stated additional charge for the extension of credit to purchasers of the same class on sales of the same or similar types of commodities, (2) the amount you charge for the extension of credit is not in excess of the charge you last had in effect during the period July 1, 1949, to June 24, 1950, for the extension of credit involving the same amount and term, and (3) you bill or invoice any

credit charges separately.

(d) Sales of rented or leased commod-In case the lessee of a commodity ities. listed in Appendix A of this regulation desires to purchase, and the lessor agrees to sell, such commodity during or at the end of, the term of the lease, and part or all of the rental paid during such term of lease is to be credited against the selling price, then the "ceiling price" of the commodity against which such rental payments are to be credited shall be the "ceiling price" determined by the applicable regulation immediately prior to the beginning of the rental. Examples-If the commodity were a used commodity immediately prior to the beginning of the rental period, its ceiling price is to be determined by this regulation as of the beginning of the rental.

If the commodity was new immediately prior to the beginning of the rental period, its ceiling price is to be determined by Ceiling Price Regulation 30 or other applicable regulation as of the beginning of the rental.

Sec. 11. Taxes. Any tax levied upon the sale of a used commodity by any statute of the United States or any statute or ordinance of any State or political subdivision thereof, which does not prohibit the payment of such tax by the purchaser, may be collected by you in addition to the ceiling price, if you bill or invoice the tax separately.

SEC. 12. Petition for amendment. If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised.

SEC. 13. Supplementary regulations or orders. The Director of Price Stabilization may issue supplementary regulations or orders modifying or implementing this regulation as he deems necessary.

SEC. 14. Modification of proposed ceiling prices by Director of Price Stabilization. The Director of Price Stabilization may at any time disapprove or reduce ceiling prices reported or proposed under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 15. Invoicing. On and after the effective date of this regulation, you shall furnish each purchaser of a commodity covered by this regulation which sells for \$50.00 or more with an invoice which contains the following information:

(a) Your name and address.

(b) The purchaser's name and address.

(c) The date of sale.

(d) A description of each used commodity sold. This description shall include the manufacturer's name, the commodity type, model, serial number if available, and size or capacity.

(e) The selling price of each used

commodity sold,

(f) A separate statement of any charges made for taxes under section 11 and any charges or credits made for special services under section 10 as charges for services in excess of normal services or as credits for normal service not performed.

(g) If the depreciation method is used, so state, and give the age of the used commodity; otherwise "age" is not

required.

(h) A statement that the commodity is sold "as is", or "reconditioned and guaranteed", or as "factory rebuilt and guaranteed", or as a "new and unused" commodity, as the case may be.

Sec. 16. Records-(a) Invoices. You shall preserve for a period of two years a copy of each invoice required by sec-

(b) Purchases and sales. If you purchase or receive in trade used commodities for the purpose of resale you shall keep, for a period of two years, records containing the following information with respect to each used commodity which you purchase or receive in trade:

To the extent that your invoice contains any of the information which is required below, such invoice is acceptable as a record.

(1) Your acquisition cost or the trade-in allowance given by you.

(2) A description of the used commodity, including the type, make, model, serial number if available, and size or capacity.

(3) The name and address of the person from whom the used commodity was purchased or acquired.

(4) The date the used commodity was

purchased or acquired.

(5) The disposition which you made of the used commodity and the date of that disposition.

(6) Where you dispose of the used commodity by sale, the total price you receive for that sale and a copy of your invoice for that sale.

(7) A statement as to whether the used commodity was sold "as is", "re-conditioned and guaranteed", or "fac-

tory rebuilt and guaranteed".

(8) Where a sale is made to a consumer of scrap metals for use in his operations, other than for scrap, a copy of the required statement in section 9 must be kept by both the buyer and seller.

(9) The "base price" and "ceiling price" determined at the time of sale, and the method by which it was determined regardless of whether the commodity was sold below or at ceiling price.

(10) For any commodity which you sell on the basis of the depreciation method, your records must also contain the following information:

(i) A description of the used commodity sold, sufficient to permit its identification for the purpose of determining its "base price", and

(ii) The date upon which it was acquired by its original user, as evidenced either by the original bill of sale, or by a statement from the manufacturer including the date of sale to the original user, and the name and address of that user.

(c) Costs of reconditioning. Where you sell any used commodity as "reconditioned and guaranteed" or as "factory rebuilt and guaranteed", you must keep records of the following for a period of two years:

(1) Your customary accounting records showing the quantity and cost of materials and labor involved in rebuilding or reconditioning.

(2) The month and year in which the used commodity was "reconditioned" or "factory rebuilt".

SEC. 17. Notice of auction sales. Each auctioneer shall file with the Office of Price Stabilization a written notice of every public or private auction sale of used commodities subject to this regulation at least six days before the sale. This notice shall be filed with the District Office of the Office of Price Stabilization in the District where the sale is to be conducted, and shall include the place, date, and time of the auction sale, the categories of used commodities to be sold, and a copy of any announcement of this sale.

SEC. 18. Interpretations. If you want an official interpretation of this regulation, you should write to the District Counsel of the appropriate OPS District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 19. Prohibitions. On and after the effective date of this regulation, regardless of any contract or other obligation:

(a) No person shall sell or deliver, offer to sell or deliver, or negotiate the sale or delivery of a used commodity at a price in excess of the ceiling price established by this regulation.

(b) No person, in the course of trade or business, shall buy or receive any used commodity at a price in excess of the ceiling price established by this regu-

lation.

(c) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited by paragraphs (a) and (b).

SEC. 20. Evasion-(a) In general. The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, lease of, or re-lating to, used commodities, along or in conjunction with any other commodity or service, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tie-in agreement or other trade understanding, or otherwise.

(b) Specific practices. The following practices are specifically, but not ex-clusively, among the practices prohibited by paragraph (a) and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be raised under the

general evasion provision:

(1) Paying, or requiring the payment of, a purchase commission, if the sum of the commission and the purchase price exceeds the ceiling price.

(2) Requiring a purchaser to rent or lease as a condition of, or an inducement to the sale of a used commodity.

(3) Entering into a joint venture with any other person subject to this regulation for cross-selling or cross-purchasing.

(4) Requiring a purchaser to buy at auction or other sale, any other commodity or any service, whether controlled or not, as the condition of or inducement to the sale of a used commodity. This specifically includes the practices commonly known as "packagesales" and "loading".

(5) Granting less than a reasonable allowance for commodities received in trade, or requiring that the buyer trade in a commodity as a condition of the

(6) Selling a commodity not subject to price control with either an option to purchase a used commodity or with the understanding that a used commodity will be given to the purchaser.

(7) Directly or indirectly requiring the purchaser of a used commodity to finance the purchase of a used commodity with any particular person, including the seller.

(8) The payment of finders fees where the sum of the finders fees and the purchase price exceeds the ceiling price.

SEC. 21. Charges lower than ceiling prices. Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 22. Violation-(a) Civil and criminal action. Persons violating any provision of this regulation are subject to criminal penalties, civil enforcement actions, and actions for damages.

(b) Violations of record-keeping and reporting requirements. If any person subject to this regulation fails to keep the records or file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, the Director of Price Stabilization may issue an order fixing ceiling prices for the used commodities such person sells. Any celling price fixed in this manner will be in line with celling prices established by this regulation, The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of the issuance of the order. The issuance of such an order will not relieve the seller of this obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 23. Definitions—(a) As is. An "as is" commodity is a used commodity that does not qualify as reconditioned and guaranteed or "factory rebuilt and guaranteed".

(b) Delivered. A commodity shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to

the purchaser.

(c) Factory rebuilt and guaranteed. A "factory rebuilt and guaranteed" commodity is one for which you give the buyer, in writing at the time of sale, your customary new machine guarantee, provided such new machine guarantee does not require less performance in any respect than the Standard Guarantee in Appendix C. In addition to such written new machine guarantee, the factory must have performed the following operations upon the used commodity:

(1) The used commodity must have been disassembled, and all surfaces of all parts and subassemblies must have been thoroughly cleaned to reveal any defects in parts and all worn surfaces,

(2) The used commodity must have been inspected to determine the need for replacement or repair of parts.

(3) All worn, broken or missing parts and components which are necessary for proper operation must have been replaced or repaired.

(4) After the commodity has been reassembled, all of its working parts must have been adjusted and must have been given sufficient tests of a mechanical,

electrical, or thermal nature, or other tests customarily given similar types of machinery or equipment to assure proper operation and performance substantially equivalent to that of the commodity when new.

(d) Person. This term includes any individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or their political subdivisions or agen-

(e) Reconditioned and guaranteed. A "reconditioned and guaranteed" commodity is one for which you give the "Standard Guarantee" as set forth in Appendix C. However, if during the period July 1, 1949, to June 24, 1950, you gave a guarantee which required more performance than the Standard Guarantee, you must continue to use your own guarantee, provided it contains at least all of the provisions of the Standard Guarantee in Appendix C. In addition to the written guarantee, the following operations must have been performed upon the used commodity since its last use:

(1) The used commodity must have been inspected to determine the need for replacement or repair of parts.

(2) All worn, broken or missing parts and components which are necessary for proper operation must have been replaced or repaired.

(3) The commodity must have been given sufficient tests of a mechanical, electrical or thermal nature, or other tests customarily given similar types of used machinery, or equipment to assure proper operation and performance substantially equivalent to that of the commodity when new

(f) Records. This term means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(g) Resale of an unused commodity. This term, as used in this regulation, means the resale by an owner, other than the manufacturer, wholesaler, distributor or dealer, of a new and unused or a "shelf-worn" and unused commodity, part or subassembly listed in Appendix A.

(h) Sell. This term includes supply, dispose, barter, exchange, transfer, deliver, or contracts or offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accord-

(i) Used commodity. This term means a commodity listed in Appendix A which has been used for any period of time, other than for the purpose of initial testing or demonstrating, and is in condition to be restored to use. This term includes machines, parts or subassemblies listed in Appendix A which may have been removed from plants, or machines, and are in condition to be restored to use. This term does not include a used commodity sold to a consumer of scrap metal unless it is a machine to be used by such consumer of scrap metal for operational purposes, and is not to be reduced to scrap metal, as evidenced by the statement required under section 9 of this regulation.

(j) Worn part. This term means a part in such a condition that unless it is replaced or repaired, the used commodity of which it is a part will not have a substantially equivalent performance to that of the used commodity when

(k) You, "You" means the person subject to this regulation. "Your" and "yours" are to be construed accordingly.

(1) Director of Price Stabilization, The term also applies to any official (including officials of Regional or District Offices) to whom the Director of Price Stabilization by order delegates a function, power, or authority referred to in this regulation.

(m) OPS. This means the Office of Price Stabilization.

Effective date. This revised regulation shall become effective June 30, 1952.

Note: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

ELLIS ARNALL, Director of Price Stabilization. JUNE 30, 1952.

APPENDIX A-COMMODITIES COVERED BY THIS REGULATION

The commodities covered by this regulation are listed below:

Anvils, except jewelers' anvils.

Asphalt mixing plants and attendant plants, Asphalt pavers.

Attachments and accessories for machinery, except for machine tools and farm ma-

Augers, earth.

Automotive testing and maintenance equip-

ment, mechanical and electrical.

Batteries, storage, when sold as "reconditioned and guaranteed" or when sold as an intrical part of a used machine. Other sales of used storage batteries are not covered by this regulation.

Battery chargers.

Belting, leather and textile (for industrial Tises)

Bins, batchers and cement siles for concrete plants, portable or stationary.

Blocks and tackle.

Boilers, power, industrial and marine, 100 p. s. t. and higher working pressure, except boiler tubes unattached or in detached clusters.

Broom-making machinery. Brushes, industrial, power-driven. Brush-making machinery.

Can-making and can-closing machinery and

equipment.

Capacitors, electrical, other than capacitors for radios, television receivers and home electronic devices. Carriers, lumber, steel, etc., specifically de-

signed for industrial or commercial use. Cars, freight, including all types of flanged wheel mining and industrial cars.

Cars, passenger, for surface, subway or ele-

Casters.

Cement-making machinery. Ceramics machinery.

Chain, power transmission, including chain fittings and assemblies.

Chemical processing machinery.

Circuit breakers, electrical.

Ciamps of the C and bar type, except those used for medical or dental purposes. Clevises.

Clockwork systems, industrial, used in connection with mechanical instruments.

Coal mining machinery. Coal preparation equipment. Coke oven doors and jams.

Compressors, except those used with con-

densing units.

Concrete products machinery and equipment. Condensers, synchronous, electrical.

Construction machinery, all types.
Control equipment, electrical, industrial.
Converters, synchronous, electrical.
Conveyors and conveying systems, industrial. Core drilling machines and core bits.

Core-making machinery.

Cotton-ginning machinery. Cranes and shovels, power, revolving, crawler, truck or wheel-mounted, and others; Clam shells,

Cranes.

Draglines.

Pile drivers. Shovels.

Cranes, locomotive.

Cranes, overhead bridge, gantry and portal. Crushers, rolls, swing-hammer and all other types of rock and ore crushing and reduction equipment.

Crushing and screening plants, portable. Cylinders, power, hydraulic, pneumatic and hydropneumatic.

Dairy and milk processing machinery, other than farm dairy machinery and equipment.

Derricks

Diamond tools: core bits, dies .002" and larger, dressing tools, shaped tools, wheels,

Die-casting machinery.

Distribution boards, electrical.

Dollies, industrial.

Dozers, angle, bull and push. Dredging machinery.

Dry-cleaning and clothes-pressing machin-ery, except domestic.

Dust-collecting equipment, industrial, port-

able and stationary, including industrial vacuum cleaners.

Economizers, steam, industrial and marine, Electrical wire and cable insulating and

tubing machinery.
Electroplating and hot-dip metal coating equipment, including preparatory and finishing equipment used in connection with metal coating process.

Electro-therapeutic apparatus and supplies. Electronic devices, equipment and parts (other than radio and television receivers and components used in radio and tele-vision receivers and other electronic devices for the home).

Elevators, passenger and freight.

Engines, diesel and oil.

Engines, gas.

Engines, gasoline and kerosene, except aircraft, automobile, toy and portable outboard motors.

Engines, steam, except toy.

Engine-generator sets.

Escalators (moving inclined stairways for raising or lowering passengers).

Excavating and earth-moving machinery, including power shovels, draglines, clam shells, hoes, ditchers, trenchers, and scrapers, self-powered or tractor-drawn.

Fans and blowers, industrial, including pressure fans and blowers and industrial builtventilators, hand blowers and desk, pedes-tal, portable, ceiling, wall bracket type fans, warm-air furness. in fans, but excluding unit heaters, or unit ventilating fans.

Feed-water heaters, industrial and marine, Fire-fighting equipment, truck or trailer mounted.

Floor surfacing and floor maintenance machinery, industrial.

Food and beverage machinery, (industrial), including, but not confined to, baking, bottling, brewing, canning, confectionery, grain milling, meat packing, edible cil, sugar and dairy machinery and equipment, other than farm dairy equipment.

Foundry machinery, excluding ladles. Purnaces and ovens, industrial and laboratory, except space heating equipment, warm-air furnaces, bessemer converters, soaking pits and coke ovens.

Puses, power. Galvanometer and pyrometer movements. Gas burners designed for use with products covered by this regulation. Gauges, specifically designed for industrial

or commercial use.

Gears, pinions, sprockets and speed reduc-ers, including gear motors, motorized speed reducers and variable speed and other machine drives.

Generators, electrical.

Generators, gas.

Generator sets, diesel-electric, gas engine, electric and motor or engine driven.

Glass-making machinery.

Glove-making machinery, except for rubber gloves.

Governors, engine.

Gyroscopes.

Hat-making and repairing machinery. Heat exchanger equipment (when designed for use with products covered by this regulation).

Heaters, sand or bitumen.

Heating, meiting, burning and thawing equipment, portable, for industrial and transportation purposes, except mechanics' fire pots and blow torches. Heating units and devices, electrical, indus-

trial.

Hoists, power operated, air, electric, mechanical or other power, single or multiple

Hydraulic machinery and equipment.

Instruments, electrically or mechanically operated for measuring, testing, indicating or recording electrical quantities.

Instruments, mechanical, for indicating, measuring, recording and testing, includ-ing aircraft, laboratory, marine, precision and scientific mechanical instruments, but excluding the gauges, carpenters' tools, clinical, dental, household, optical and surgical instruments, low pressure heating controls (such as thermostatic traps, blast traps and strainers), water level controls (all types), air temperature and humidity controls (all types), coin-operated devices and household refrigeration controls,

Jacks and jack screws.

Jacks, mud.

Kilns (except brick), coolers and dryers, specifically designed for industrial or commercial use.

Laundry machinery, except domestic. Leather-working machinery.

Lighting equipment, electrical, for airway, commercial, flood-lighting, industrial, marine, seadrome, and street and highway

Lighting generators, engine or electric driven, portable.
Lighting fixtures, not portable.
Line material, transmission or trolley.

Loading and unloading equipment, specifically designed for industrial or commercial

use or for handling construction materials.

Lock and dam machinery, which is designed exclusively for the control of water flow in locks, dams and structures when such locks, dams, and structures are designed for flood control, irrigation, power genera-tion or transportation purposes, Locomotives and tenders, steam, diesel, or

other power, except boiler tubes, unat-tached or in detached clusters.

Locomotives, mining and industrial.

Logging and lumbering machinery and

equipment.

Lubricating systems and devices, industrial,

stationary.

Machinery, industrial, not listed elsewhere in this Appendix. The term "industrial machinery" means any machinery or equipment, not specifically excluded from the coverage of this regulation, which is used in the extraction, production or processing of commodities,

Machines, tools, devices and appliances designed specifically for the installation, operation, maintenance and protection of tracks, yards, signals, rolling stock and motive power of surface, subway or elevated rail lines.

Magnetos.

Magnets, lifting, industrial.

Mining equipment, including: Coal cutters and continuous mining

equipment. Drills.

Fans and ventilating equipment.

Hoists and cages. Loading equipment. Locomotives and cars.

Mine doors, safety and all other mining equipment not excluded from this Appendix.

Underground coal and soft mining equipment.

Motors, electrical. Neon indicator attachments.

Numbering and marking machines for use

on metal, except office machines.

Oil burners, industrial and marine, burning

No. 5 oil or heavier, except horizontal, rotary, and gun type burners.

Oil mill machinery and equipment.
Oil well and oil field machinery and equipment required in the drilling, logging, producing, controlling and treatment of oil and gas ready for the pipeline, but excluding oil country tubular goods.

Optical processing machinery.

Ore-crushing and concentrating machinery. Ovens, industrial and laboratory, except coke ovens.

Packaging, wrapping, filling and labeling machinery

Paint and varnish-making and ink-making machinery.

Panelboards, electrical.
Parts and subassemblies of any item listed in this Appendix, except mechanical rubber goods.

Pavement markers.

Pavers, concrete and asphalt.
Petroleum refining machinery, except oil country tubular goods. Pharmaceutical machinery.

Pile drivers, drop-hammer, steam, air, diesel, etc.

Pipe wrapping and coating machinery.

Plants, stationary, for raliroad use in handling cinders, fuel, sand or water.

Plastics fabricating, extrusion and molding machinery

Pole-line hardware and line construction specialties,

Power transmission equipment, industrial, including belt-tighteners, blocks and bear-ing housings, brackets, clutches, collars, couplings, hangers, motor bases, pillow blocks, pulleys, sheaves, shifters, universal joints and variable speed and other machine drives.

Presses, specifically designed for industrial or commercial use, other than that classified as agricultural machinery and metalworking equipment.

Printing trades machinery and equipment.

Public address apparatus.

Pulp, paper mill and paper products ma-

Pulverized fuel burners.

Pumps, power operated, with or without power.

Pumps, hand-operated, except store fixtures. Quarrying, crushing, pulverizing and classifying machinery. Railroad car and locomotive parts, and

specialties for elevated, subway or surface lines, including:

Axies for railway passenger and freight cars; locomotive axies, all types and capacities; and axies for all other railway rolling equipment, Bearings, truck side.

Boilers, fire boxes, front ends and cabs, fittings, fixtures, devices or applance mounted thereon, except detached boiler tubes.

Tuesday, July 1, 1952 Railroad car and locomotive parts, etc.-Con. Brakes and brake gears. Coupler devices or attachments. Devices and appliances mounted on locomotives for treatment, distribution or control of water, fuel, steam, sand or electricity Doors and fixtures. Draft gears, buffers, and attachments. Driving foundation, or running gear. Grain control apparatus. Journal boxes, assembled. Heating, lighting, ventilation, and air-conditioning equipment. Lubricating devices. Miscellaneous fittings, fixtures, specialties, devices or appliances designed specifically for use on railroad cars or locomotives, except artillery or other exclusively military or naval equipment.
Safety appliances and warning devices.
Sides, roofs, ends, running boards, and brake steps. Spring rigging, snubbers and shock ab-Tires, steel. Trucks, complete. Underframes. Wheels, iron and steel. (Detached tubular goods not included.) Rectifiers, power, industrial. Regulators, feeder voltage. Regulators and dampers, power operated, except those designed for domestic heating systems. Reproduction machinery, architectural and engineering, such as blueprinting, black and white printing, and brown printing machinery. Road, street and airport building and maintenance machinery and equipment, including graders, pavers, rollers, sprayers, snow plows, mechanical road cleaning equipment, etc. Rock-crushers and plants. Rod, wire and tube-working machinery and Rolling mill machinery and auxiliary equipfnent. Rubber and allied products machinery. Rubber tire and tube machinery and equipment, including tire recapping and re-Sawmill machinery and equipment.
Saws, power operated, specifically designed
for industrial or commercial use, except metal cutting saws. Scaffolds and towers. Scales, weighing, industrial and laboratory, except coin operated, counter, household, office and store types. Searchlights. Separators, steam, industrial and marine. Sewing machines, industrial, including use with such machinery. Shoe manufacturing and repairing machinery. Shovels and draglines, crawler mounted or

treading molds and necessary parts (full circle and sectional molds and matrices, etc.), tire buffers and spot vulcanizers for tables and stands designed exclusively for walking type. (Also see Cranes) Signal equipment, railroad, including high-way crossing signals. Signalling apparatus. Siren blowers. Skid platforms and pallets, all metal. Snow plows. Soot blowers and tube cleaners, power operated, industrial and marine. Sound recording and reproducing equipment and parts, including portable recorders and recording and transcription turntables, ex-

cept home or office recording or reproduc-

Special industry machinery not elsewhere

Spraying devices, industrial, power operated,

for the application of any material, other

chan that classified as agricultural ma-

ing equipment.

classified.

Spreaders for construction and road-building use. Sprockets, power transmission. Stackers, industrial. Steam cleaning and degreasing equipment and parts, washing and cleaning equip-ment, except commercial and domestic dish and utensil washing and cleaning equip-Steam specialties, for power plant work. Stokers, industrial and marine, with a capacity of 1,200 pounds per hour or more. Stone working machinery. Sub-stations, unit (power distribution). Superheaters, industrial and marine. Surveying instruments, such as alidades, levels and transits. Switchboxes. Switches, electrical, knife and enclosed. Switchgear and switchgear accessories. Tanks and vessels, metal, ferrous and nonferrous, pressure or non-pressure, including field erected tanks or vessels, but not including farm equipment tanks or vessels. Telegraph apparatus. Telephone apparatus, including sound and powered telephone and nonelectronic intercommunicating equipment. Testing sets for electronic equipment. Textile machinery, including equipment and accessories of wood and/or metal designed exclusively for use with such machinery. Tobacco working machinery.

Tools, pipe and tube, manually operated, including beading, beiling, banding, cleaning, cutting, expanding, and flaring and wrenches for operating. Tools, power-driven, portable or non-port-able, other than those which are defined as Machine Tools under CPR 30. Tractor attachments and tractor allied equipment, except for farm tractors. Tractors, crawler and wheel, except farm tractors. Transformers, including specialty transformers, other than transformers used in radios, television receivers, radio phonographs, home recorders and other electronic devices for the home. Trucks, industrial, hand. Trucks, off-highway, for construction, mining, quarrying, oil field, logging, and heavy industrial hauling. Trucks, power operated, lift, platform, towing, and straddle. Turbine generator sets. Turbines and governors, gas, hydraulic and steam. Turnbuckles. Vises, all types, vise mounts, stands and supports. Water conditioning and purifying equipment, industrial, except detached pipe. Water power equipment, except detached Welding apparatus. Welding and cutting apparatus, including generators. Well drilling equipment, oil, gas, and water, except detached tubular goods. Well-drilling equipment. Winches and windlasses, manually or power operated. Wire machinery. Wiring devices, electrical. Woodworking machinery. X-ray and electro-therapeutic apparatus and

supplies.

COMMODITIES

depreciation method:

Commodity

Anchors, earth and rock.....

Appliances, electrical

APPENDIX B-Table of Depreciation Rates for Determining Celling Prices of Used

Nore: The ceiling prices of items not listed in this table may not be figured by the

Depreciation

rate per annum

(percent)

Depreciation rate per annum (percent) Commodity Asphalt mixing plant and attendant plant______Attachments, machinery_____ Automotive testing and maintenance equipment____ Backfillers, powered_____ Batcher plants_____Battery chargers_____ Bins, steel Bins, steel_______Boilers, industrial, 50 h. p. and less_____ Boilers, industrial, over 50 h. p______ Boilers, marine

Broom-making machinery

Brooms, road, powered

Brushes, industrial, power operated. 10 Brush-making machinery.

Buckets, concrete, clamshell, orange peel, cableway, dragline elevator, 20 etc ____ Burners, gas, industrial.... Carriers, lumber______Can-closing and can-making machin-10 ery and equipment Cement making machinery-Ceramics machinery_____Chemical process machinery_____ Clamps, column Communication equipment, electrical. Compressors, portable.... Compressors, stationary Concrete carts_____ Concrete finishers, road..... Concrete mixers, portable and stationary ---Concrete mixers, pavers..... Concrete mixers, truck_____ Control equipment, electrical Conveyers .. Cotton ginning machinery_____Cranes, bridge and cantilever____ Cranes, crawler and truck mounted, gasoline and Diesel; Cranes, rocemetre Die-casting machinery____ Ditchers.... Dollies, industrial Dozers, angle, bull and push
Dragines, see shovels.
Dredgers, clamshell and dipper Dredgers, hydraulic Drilling machinery, auger, blast hole, 15 matic percussion Dust collecting equipment_____ Electrical assemblies not otherwise listed ---Electrical wire and cable insulating machinery _____Electroplating and hot dip metal coating equipment.

Elevators, passenger and freight

Engineering reproduction equipment.

Engines, diesel, 400 rpm and less.... Engines, diesel; over 400 rpm_____ Engines, gasoline and kerosene..... Engines, steam____Engine-generator sets_____ Escalators ---Excavators, dragline.... Excavators, trencher_____ Fans and blowers Floor surfacing and maintenance machinery, industrial Food and beverage machinery Foundry machinery Furnaces, industrial and laboratory __ 10 Generators, gas_____

Depreciation

Depreciati	ion	Depreciat	ion	- Depreciation
rate per an		rate per an		rate per annum
Commodity (percent		Commodity (percent Oil well equipment—Continued	1	Commodity (percent) Tools, power driven, portable 25
Glass making machinery. except for	71/2	Regulators	15	Tractors, crawler and non-agricul-
rubber gloves	716	Rotaries	20	tural wheel 20
Governors, engine	10	Rotary fishing tools	20	Trailers, non-highway, used with in-
Governors, hydraulic turbine	5		15	dustrial tractors 15
Graders, blade towed and elevating.	15	Spudders	20	Transformers, non-portable types 6 Transformers, portable types
Graders, motor patrol	20	Submersible electric pumps	25 35	Trucks, industrial, except lift, plat-
THE ATTACK OF STREET AND STREET STREE	10	Tanks (shop assembled)	15	form and straddle 15
Heat exchange equipment	10	Tongs	15	Trucks, lift, platform and straddle 10
Heaters, stone, sand, bitumen and	-	Tool joints, unattached	30	Turbines, steam5
concrete	20	Traveling blocks	20	Turbine-generator sets 5
Heating, melting, burning and thaw-		Water treating plants	20	Vibrators 30
ing equipment, industrial, portable.	10	Well servicing holsts	20	Water softening and purifying equip-
Hoists, pneumatic, gas, diesel, steam,		Packaging, wrapping, filling and label-	10	ment
electric	20	ing machinery	6	Welders, a. c., transformer type 6 Welders, d. c., motor and engine
Industrial power operated devices for applying protective coatings, etc	20	Paint and varnish making machinery.	5	driven 8
Instruments, electrical measuring,	1000	Petroleum refining machinery	5	Welding and cutting equipment, gas. 10
portable	8	Pharmaceutical machinery	5	Wire, cable and cable accessories,
Instruments, electrical measuring, sta-		Pile drivers, drop	5	electrical10
tionary	6	Pile drivers, steam hammers	5	Woodworking and lumber manufac-
Instruments, mechanical, for measur-	1000	Pipe wrapping and coating ma-	10	turing machinery 7¼
ing, testing or recording	1216	Plastics molding and fabricating	10	
Instruments, mechanical, scientific	8	machinery	736	APPENDIX C-GUARANTEE TO BE FURNISHED TO
Instruments, precision	1214	Plows, snow	10	BUYERS OF RECONDITIONED AND GUARANTEED
Instruments, surveying and drafting.	8	Pole line hardware and line construc-		COMMODITIES
Jacks and Jack screws	10	tion specialties	5	
Laundry, dry cleaining, and clothes		Power cylinders	5	The seller of a "reconditioned and guar-
pressing machinery	6	Printing trades machinery	9	anteed" commodity, under this regulation,
Leather working machinery	71/4	Pulp, paper and paper products ma-		must furnish to the buyer a guarantee which is no less in any respect than, or which is
Loaders, belt or bucket	15	chinery	10	identical with the "Standard Guarantee
Loaders, front end	20	Pumps, stationary	6	Form" below.
Lubricating systems and devices	10	Railroad equipment (all ftems)	5	
Metal working and numbering ma-	10	Refrigerating equipment	5	STANDARD GUARANTEE FORM
Mining machinery:	750	Rod, tube and wire-working ma-		The seller hereby warrants that the used
Cars, mine	10	chinery	5	machine or equipment described below has
Classifiers	10	Rollers, powered, road	10	been thoroughly inspected and recondi-
Coal cutting machines	10	Rollers, sheepsfoot, tamping	10	tioned, and that all parts which should have
Converters, copper	10	Rolling mill machinery	5	been replaced, repaired, adjusted, or aligned
Conveyors	10	Rubber working machinery, including rubber tire and tube making and re-		for proper operation have been replaced, re- paired, adjusted or aligned.
Crushers	10	treading machinery	6	The seller guarantees that the used ma-
Flotation machines	10	Scales, weighing	10	chine or equipment described below is in
Furnaces	10	Scrapers, carry type	15	good operating condition at the time of de-
Jigs	10	Screens (construction equipment)	20	livery." The seller agrees to repair or fur-
Mills	10	Sewing machines, industrial, includ-		nish, free of charge, f. o. b. factory or f. o. b.
Ovens, electric	10	ing tables and stands designed ex-		his place of business, any parts which are
Presses, filter	10	clusively for use with such	m11	proven to be defective in material or work-
Scrapers, slip	30	Shoe manufacturing and repairing	71/2	manship under normal use and service within forty-five calendar days after deliv-
Scrapers, wheel	10	machinery	716	ery* of the used machine or equipment.
	10	Shovels, draglines and hoes, crawler	1.78	This guarantee does not extend to tires
Skips, hoisting	5	mounted, gasoline, Diesel or		and tubes, or to any repairs or replacements
Tables, concentrating	10	electric:		made necessary by misuse, negligence, acci-
Thickeners	5	14, %, and 1/2 cubic yard	20	dents or collusion.
Tipples	5	%, 1%, 1% cubic yard		Delivery date
Motors, generators, alternators, and		2, 2½, 8 cubic yards		Description of commodity guaranteed
dynamos, electrical:	4	4 cubic yards and over	8	
From 50 h. p. to 1,000 kw	5	Shovels and draglines, walking type, gasoline, Diesel or electric:		Guarantor
Below 50 h. p	6	Up to and including 10 cubic yards.	8	By Title
Neon indicator attachments	10	Over 10 cubic yards	5	Invoice No.
Oil burners, industrial and marine,		Siren blowers	5	Invoice date
	10	Soot blowers and cleaners	10	[F. R. Doc. 52-7294; Filed, June/30, 1952;
Oil well equipment:	-00	Special industry machinery, not else-	mu	12:14 p. m.]
Core barrels	30	where classified	71/2	A. 14. 10. 10. 10. 10. 10. 10. 10. 10. 10. 10
Crown blocks		Spring winding and forming ma-	-	
Derricks	10	chinery	5	The state of the s
Drawworks	20	Stackers, portable	10	12 W 21 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
Drill collars	15	Steam cleaning and degreasing equip-		[Ceiling Price Regulation 110, Amdt. 1]
Drilling rigs		ment	10	CPR 110-MANUFACTURERS OF COPPER
Elevators	15	Stockers, industrial and marine	10	- WIRE MILL PRODUCTS
Gas lift systems		Tanks and vessels, open	3	
	10	Tanks, pressure	4	ADJUSTMENTS IN CEILING PRICES
Hydraulic pumping systems	25	Textile preparatory and finishing ma-	71/2	Pursuant to the Defense Production
Kellys	15	Tiering machines	10	Act of 1950, as amended, Executive
	15	Tobacco working machinery	734	Order 10161, and Economic Stabilization
Oil treating plants	20	Tools, hand operated, specially de-	- 17	Aconor Conerol Order No. 2 this amond
Oil well pumps		signed for manufacture, repair, or		Agency General Order No. 2, this amend-
Packers		maintenance of aircraft, military		
Power takeoffs		vehicles, or other predominantly	10	*A commodity shall be deemed to have
Pull rods		military equipment	10	been delivered if it was received by the pur- chaser or by any carrier, including a carrier
Pumping jacks		Tools, pneumatic; drills, jack ham- mers, rivet hammers, tampers, chip-		owned or controlled by the seller, for ship-
Pumping units	10	ners and naving breakers	30	ment to the purchaser.

ment to Ceiling Price Regulation 110 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 110 increases the ceiling prices for copper wire mill products to reflect increases in the cost of imported copper in accord with a directive issued by the Acting Director of the Office of Defense Mobilization.

Under the terms of an agreement between the United States and Chile, at the time CPR 110 was issued the price of Chilean copper being sold to the United States was set at 271/2 cents per pound. On May 8, 1952, Chile terminated its agreement to sell a portion of its copper output to the United States at 271/2 cents per pound. Henceforth, all Chilean copper will be offered through ordinary commercial channels for sales at the best prices procurable.

Since the supply of domestic copper is insufficient to meet defense and essential civilian requirements, the Acting Director of the Office of Defense Mobilization on May 21, 1952, established and announced the policy which would be followed by the United States Government in order to meet the changed situation. The text of this announcement

follows:

The agreement between the United States Government and the Chilean Government allocated 80% of the production of companies in Chile controlled by United States interest for purchase and import into the United States by U. S. private firms at 271/2 a pound. It left the remainder of the production of copper in Chile to sell at much higher prices on the world market. This agreement was terminated by Chile as of May 8, 1952. The termination of this agreement and the copper strike in Chile, together with the Chilean stoppage of copper shipments since May 8 have produced shortages of copper for essential uses of the mobilization program in the United States.

It is necessary to meet the difficulties raised by these shortages and to permit the resumption of imports from Chile. It is also desirable to encourage an increase in the imports of copper from foreign countries, including Chile, over those previously prevail-Consequently, the Government of the

United States has adopted the following policles to meet the emergency:

1. In order to encourage importation of adequate supplies of foreign copper by private buyers under existing conditions, the United States Government is acting through the Office of Price Stabilization to permit brass mills and copper wire mills to add to their ceiling prices an amount representing 80 percent of any increase in cost of foreign copper above the 271/2 cents level contained in the Chilean agreement which has just been terminated. The Office of Price Stabilization will periodically announce the permitted increases in ceiling prices which will be adjusted to reflect variations in foreign prices of copper and in the ratio of foreign copper used. The initial adjustments will become effective on June 16, 1952.

Comparable treatment will be provided for other primary users of refined foreign copper, including copper produced in this country from foreign ores and concentrates. impact of any changes in the ceiling prices of primary copper products at subsequent levels of production and distribution will be treated in accordance with the existing pricing standards of the Office of Price Stabilization.

2. It is the policy of the United States Government not to make now and to avoid

in the future changes in the existing price ceilings on domestically refined copper, brass mill scrap, or copper, or copper alloy scrap,

3. In order to maintain a uniform price policy on brass mill and copper wire mill products, taking into account the changes in the price of foreign copper, the National Production Authority will allocate foreign and domestic supplies as equitably as practicable among United States users. tion will be used to equalize the impact of any higher foreign price for copper and to permit in this way the import of more copper for the total use of the United States defense program.

Subsequently, industry representatives raised very strong objections to the policy embodied in this Directive. One of the principal objections was based upon the fact that a large proportion of copper wire mills had previously used little or no foreign copper and that consequently their prices and costs were based on 24½e rather than 27½e metal. Consequently, it was argued that any pass-through must be computed from the 241/2¢ level in order to avoid serious injustice to these mills. On the basis of these representations, the directive from the Acting Director of the Office of Defense Mobilization was revised subsequently to the extent that the adjustment in copper wire mill prices be related to the 241/2¢ rather than the 271/2c level.

Industry representatives have also suggested that price increases allowed by this amendment, become effective July 1, 1952, rather than on June 16, and that the first period extend for 90 days before any further adjustment be made. Because of the time involved in making price adjustments and the many variable factors entering into this change the later date appears preferable. It will also coincide with the proposed dates to be used by the NPA in their plan of allocation. Accordingly, July 1, 1952, is the effective date.

On and after July 1, 1952, the ceiling prices for copper wire mill products set forth in CPR 110 are increased as required by the ODM Directive. The amount of the increase is different for different products and is arrived at on

the following basis:

The price currently quoted by the Bank of Chile is the equivalent of 361/2 cents per pound delivered Connecticut Valley basis. The difference between this figure and the 241/2 cents domestic price is 12 cents; 80 percent of this figure is 9.6 cents. In the absence of any actual experience in the operation of this program, it is anticipated that the ratio of consumption of foreign copper to domestic refined copper used in the production of copper wire mill products will be 40 percent foreign copper and 60 percent domestic copper in conformity with the allocations issued by the NPA for the months of July, August, and September. Applying the 40 percent foreign ratio to the 9.6 cents previously computed, yields an average increase in recoverable cost of 3.84 cents per pound of total primary copper purchased. In the manufacture of the products covered by this regulation, there is a certain percentage of scrap generated in the manufacturing process. For the amount of such scrap generated the difference in

the price of foreign copper over domestic copper is an added cost, since no increase in price has been provided for scrap even though generated from foreign copper. Consequently, this increased cost is recognized by multiplying 3.84 cents-by 1.10 to give an increased recoverable cost of 4.25 cents per pound of copper content. In the manufacture of copper weatherproof wire and cables, part of the finished product is covering. The average ratio of the weight of primary copper to total weight of this finished product is 85 percent, which applied to the figure of 3.84 cents results in an increased cost of 3.25 cents per pound for copper weatherproof wire and cable.

At the time of issuance of CPR 110 the ceiling prices for copper wire mill products containing lead were based on the price of lead at 17 cents per pound. The price of lead has fluctuated from a high of 19 cents to a low of 14 cents, and at the time of issuance of this amendment was being quoted at about 16% cents per pound. The manufacturers of these products have indicated that they have voluntarily reduced the prices of their products containing lead when the price of lead was below 17 cents per pound, to reflect the decreased cost. In view of this action by the industry, no further action is deemed necessary at this time with respect to adjusting the price for the lead factor as set forth in this regu-

A new Appendix B is added for the purposes of determining the copper content of products as required by this amendment.

Some manufacturers of copper wire mill products buy electrolytic copper wire bars and produce finished copper wire mill products in an integrated operation. Other manufacturers, commonly known as redrawers or insulators, purchase wire rods, or bare or tinned wire or cable known as intermediate products, and further fabricate this nmterial into finished products which are then sold at the same prices at which these products are sold by integrated manufacturers. There is a much smaller margin realized in the sale of these intermediate products to redrawers or insulators than in the sale of finished products. It has been represented to this agency that this margin is not sufficient to absorb the increase in the cost of foreign copper. This amendment permits sales of wire rods, bare or tinned wire or cable to redrawers or insulators to be made on the basis of the cost of the electrolytic wire bars from which these intermediate products are made. The ceiling price of the finished product sold by the redrawer or insulator however, remains the same as that of the integrated manufacturer.

Since the ceiling price of copper rods, and bare or tinned wire or cable, sold to redrawers or insulators is based on the cost of the electrolytic wire bars from which these products are made, it is necessary for the proper administration of this regulation, to distinguish between these intermediate products made from domestic copper and those made from imported copper. Accordingly the record-keeping provisions making such sales to redrawers or insulators to indicate the cost of the copper wire bars from which these intermediate

products are made.

It is anticipated that the adjustments in the ceiling prices made by this amendment will be modified from time to time to conform with changes in the price of imported copper and in the ratio of imported copper to total copper used in the production of copper wire mill products and any other relevant factors. It is presently contemplated, however, that the price adjustments provided for in this amendment will be effective for a period of 90 days from July 1, 1952, and that a recalculation will be made as of September 15, 1952, to be effective on October 1, 1952.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant facts of general applicability. In the judgment of the Director, the provisions of this regulation comply with all the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended,

In formulating this amendment, the Director consulted with industry representatives, including trade association representatives, to the extent practicable under existing conditions, and has given full consideration to their recommenda-

AMENDATORY PROVISIONS

Ceiling Price Regulation 110 is amended in the following respects:

- 1. Section 2 (a) (6) is added to read as
- (6) Where this regulation provides for an adjustment in ceiling prices on the basis of the weight of copper contained in a product, the weights set forth in Appendix B of this regulation must be used in computing the amount of such adjustment.
- 2. Section 2 (b) (2) is amended to read as follows:
- (2) You must use the applicable base price or list price, extras and deductions, quantity differentials, trade or class of purchaser discounts, and other pricing factors specified thereon and you may make the adjustments provided for in subparagraph (4) of this paragraph; and
- 3. Section 2 (b) (4) is added to read as follows:
- (4) You may increase the ceiling price as otherwise determined in accordance with this paragraph (b) by adding 4.25 . cents per pound of copper contained in the product you are pricing.
- 4. Section 2 (c) (2) is amended to read as follows:
- (2) You must use the applicable base or list price extras and deductions, quantity differentials, trade or class of purchaser discounts, and other pricing factors set forth therein. In the case of a sale of wire rod, bare or tinned wire or cable to redrawers or insulators, you

may use as a base price the cost delivered Connecticut Valley basis for the electrolytic copper wire bars from which the product is made.

- 5. Section 2 (c) (6) is added to read as follows:
- (6) You may increase the ceiling prices as otherwise determined in accordance with this paragraph by adding the applicable amount set forth herein.

(1) Bare copper and copper alloy wires and

cables, \$4.25 per 100 pounds.

(ii) Copper weatherproof wire and cables, if sold by the pound, \$3.25 per 100 pounds. If sold by the foot, 4.25 cents per pound of

copper content.
(ili) Copper magnet wire, 84.25 per 100

- 6. Section 2 (d) (2) is amended to read as follows:
- (2) You must use a price of 28% cents (Correction Factor of Plus 58) for copper, a price of 17 cents (Correction Factor of Minus 5) for lead and a price of \$1.10 (Correction Factor of Plus 4) for varnished cambric; and
- 7. Section 2 (e) (2) is amended to read as follows:
- (2) You must use a price of 28% cents (Correction Factor of Plus 7.25) for copper and 17 cents (Correction Factor of Minus .50) for lead; and
- 8. Section 3 (c) is added to read as follows:
- (c) You may add to the ceiling price determined in accordance with paragraph (b) 4.25 cents per pound of copper contained in the product you are pricing.
- 9. Section 11 (b) is amended to read as follows:
- (b) Current records. You must prepare and keep for inspection by the Director of Price Stabilization for a period of two years records of each sale of the products and services covered by this regulation showing: The date of sale; the name and address of the seller and buyer; a description of the product or service sold; the shipping point and destination; and quantity sold; the price charged; the terms of sale; the amount of any extras or deductions; the amount of any differentials, discounts, or freight allowances; the amount of any other factor pertinent to a determination of your ceiling price; and in a sale of wire rods, or bare or tinned wire or cable to a redrawer or an insulator, the cost of the electrolytic copper wire bars from which the intermediate products are made
- 10. Section 16 (o) is added to read as follows:
- (o) "Redrawers or Insulators" means manufacturers under this regulation who buy wire rods, bare or tinned wire or cable for further fabrication into a copper wire mill product.

Effective date. This amendment to Ceiling Price Regulation 110 shall become effective July 1, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U.S. C. App. Sup. 2154)

Note: The record-keeping requirements of this amendment have been approved by the

Bureau of the Budget in accordance with the Federal Reports Act of 1942.

> ELLIS ARNALL Director of Price Stabilization.

JUNE 30, 1952.

APPENDIX B-COPPER WEIGHTS SOLID OR STRANDED CONDUCTORS. [Pounds per 1,000 feet of cable]

Size conductor, AWG	Single	Size	Single
N	1.23	1/0	82
3	1.55	2/0	41
2	1.95	3/0	51
4		4/0	62
	100	Cm.	100
0	3, 10	200,000	61
9	3.90	250,000	77
18	4.92	300,000	90
7	6, 20	350,000	1,08
18	7,82	275,000	1, 1/
15	9,86	400,000	1,2
14		450,000	1,3
13	35.7	200,000	1, 6
12		\$50,000	1,0
11	25.0	600,000	1,8
10	31.5	650,000	2,0
	39.7	700,000	2,1
	- 5I	750,000	2,3
	64	800,000	2,4
	. 81	900,000	2.7
		1,000,000	3,0
	9.00	1,100,000	3,3
	DOM:	1,200,000	3.7
***************************************	0.00	1,250,000	3, 80
	+00	1,400,000	4,3
		1, 500, 000	6,6
		1,750,000	5,4
	Contract of	2,000,000	6,17 7,75

To obtain copper weight in pounds per 1,000 feet for multiple conductor round cables, multiply single conductor weights shown by number of conductors, and multiply result by 1,02.

To obtain copper weight in pounds per 1,000 feet for multiple conductor parallel cables, multiply conductor weights shown by number of conductors.

To obtain copper weight in pounds per 1,000 feet for multiple conductor twisted pair cables multiply single conductor weight shown by number of individual conductors, and multiply result by 1,04.

[F. R. Doc. 52-7293; Filed, June 30, 1952; 12:12 p. m.]

[Ceiling Price Regulation 153]

CPR 153-SOFTWOOD PLYWOOD. HARDWOOD FACED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for direct mill sales of most grades and sizes of softwood plywood, faced with hardwood veneer, manufactured in the section of the United States west of the 105th Meridian.

The hardwood faced plywood industry covered by this regulation consists of eight major producers. In 1950, the industry produced approximately 70,000,-000 square feet of plywood, including 28,000,000 square feet of Philippine mahogany faced plywood. Production was more than 60,000,000 square feet during the first nine months of 1951, and included more than 26,000,000 square feet of the Philippine mahogany faced plywood.

This product is used in the manufacture of furniture, radio cabinets, wall paneling, doors, airplanes and boats,

This regulation establishes mill level ceiling prices, and does not deal with pricing at the various distribution levels. The transactions covered are described as "direct-mill sales." Such a sale exists when a shipment originating at a mill reaches its ultimate destination with the shipment intact, regardless of who actually effected the sale and whether or not the title passes to an intermediate buyer. Thus the term direct-mill sale does not include a transaction where a shipment passes through a yard or warehouse and is actually unloaded before being resold.

As carload sales constitute the great majority of plywood sales, and as industry pricing customarily reflects this factor, the basic prices appearing in this regulation are carload prices. Appropriate provision is made to cover less-

than-carload sales.

The regulation provides specific dollar and cent ceiling prices for softwood ply-wood faced with birch, maple, white oak, walnut and African mahogany. These products constitute 57 percent of the total covered by the regulation. The level of ceiling prices established by this regulation is approximately the level which prevailed during the period January 25 to February 24, 1951, and is not lower than the level existing immediately preceding the issuance of this regulation.

The regulation also provides a formula by which ceiling prices may be determined for softwood plywood faced with Philippine Mahogany, which constitutes the remaining 43 percent of the industry's production. The adoption of a formula was necessary because wide variations in quality and grades of this commodity among producing companies render the establishment of uniform dollar and cent prices unfeasible. Under the formula sellers may determine their ceiling prices by multiplying the highest price they received for each item during the period May 24, 1950 to June 24, 1950, by 1.14. This factor will result in a level of ceiling prices approximately 6 percent higher than the level which has prevailed under the General Ceiling Price Regulation.

Producers of these commodities have pointed out the substantial increases which occurred in 1951 in the cost to them of the imported mahogany logs and veneer which they use. These cost increases, several have asserted, have resulted in their total costs being in excess of their ceiling prices for this product line. Normally, this situation would call for a cost-price study by OPS, and the application of the product standard. However, total annual sales of this product line amount to less than six million dollars. In view of this fact the Director has determined that the administrative burden involved in making a study to determine the precise amount of adjustment required under the standard is not warranted by the relative insignificance of the product in the economy.

Instead, therefore, he has accepted cost data showing material and labor cost increases submitted by the industry and has concluded that a 6% adjustment

over General Ceiling Price Regulation prices will satisfy the product standard.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this regulation, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; to those prevailing during the period January 25 through February 24. 1951, as well as to the level of prices prevailing just before the issuance of this regulation; and to all relevant factors of general applicability.

In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included a meeting with the Industry Advisory Committee

for this industry.

Every effort has been made to conform this regulation to existing business practices, especially those existing west of the 105th meridian, with respect to the production, sale, and distribution of softwood plywood and veneer. Insofar as any provisions of this regulation may operate to compel changes in these-practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

1. What this regulation does.

2. Coverages.

3. Ceiling prices for direct mill sales.

Ceiling prices for rejects.
 Ceiling prices of softwood plywood, hard-wood faced.

6. Ceiling prices of softwood plywood, Philippine mahogany faced. 7. Differentials, net extras, and special sales.

8. Established weights of plywood.

9. Exports.

10. Ceiling prices for products not otherwise covered.

Modification of proposed ceiling prices by Director of Price Stabilization.

Petitions for amendment.

Adjustable pricing.

14. Records.

15. Transfers of business or stock in trade,

16. Excise, sales and similar taxes.

17. Interpretations.

18. Prohibitions and violations.

19. Evasions.

20. Definitions.

AUTHORITY: Sections 1 to 20 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended. 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

Section 1. What this regulation does. (a) This regulation establishes ceiling prices on direct mill sales of softwood plywood, hardwood faced manufactured

in the United States west of the 105th meridian.

(b) This regulation supersedes the General Ceiling Price Regulation with respect to the products and transactions covered.

(c) This regulation applies to the 48 States of the United States and the District of Columbia.

SEC. 2. Coverages-(a) Products covered. This regulation covers all species of softwood plywood, faced with any species of hardwood veneer, manufac-tured in the United States west of the 105th meridian.

(b) Transactions covered, (1) This regulation covers all direct mill sales of the products covered by this regulation. A direct mill sale is a sale in which the shipment of any of the products covered in this regulation originates at a producer's mill, no matter who the seller is, and no matter whether he usually is known as a mill operator, wholesaler, direct mill shipping wholesaler, retailer, distributor, or by any other name.

(2) A direct mill shipping wholesaler is a person who does not maintain or operate a warehouse or yard for the stocking of plywood and other products covered in this regulation and who either purchases these products for resale, or handles them on a commission basis, without warehousing or stocking them in the regular course of business,

SEC. 3. Ceiling prices for direct mill sales—(a) Ceiling prices f. o. b. mill for carload direct mill sales. The ceiling prices f. o. b. mill for carload direct mill sales of softwood plywood, hardwood faced, are listed in Section 5 (tables 1 through 5) of this regulation. (If millwork or softwood plywood, or both, are included in a car with one or more grades or sizes of products covered in section 2 of this regulation, they must be included in computing the total weight of the shipment.) For the purpose of this regulation, the term "carload" means:

(1) When shipment is by rail, the minimum weight required by the Interstate Commerce Commission in its Revised Service Order No. 876, as presently amended, or as it may be amended in the

(2) When shipment is by truck, the minimum weight which is considered a truck carload quantity at the point of origin of shipment according to applicable State or Federal legislation.

(b) Ceiling prices f. o. b. mill for lessthan-carload direct mill sales. When a less-than-carload freight rate applies at the manufacturer's point of origin of shipment, the ceiling prices f. o. b. mill for less-than-carload direct mill sales of softwood plywood, hardwood faced, not mixed with other commodities other than lumber as set forth in section 7 (h), shall be 10 percent over the prices set forth in the ceiling price tables in this regulation.

(c) Delivered ceiling prices .- The delivered ceiling prices for carload direct mill sales are the ceiling prices f. o. b. mill plus a charge for delivery to the purchaser figured as follows:

(1) Common or contract carrier. When delivery is made by common or contract carrier, no higher than the established weights set forth in section 8 of this regulation may be applied to the applicable freight rate in effect at the time of shipment.

(2) Private truck. When delivery is by truck owned by the seller, an amount not in excess of the common carrier truck rate, exclusive of any transportation tax.

(3) Rounding out to the nearest nickel. The charge for delivery may be evened out to the nearest nickel per 1,000 square feet.

(d) Discount for cash. If the buyer pays cash, your ceiling prices determined under other provisions of this regulation are reduced by the amount of the discount which, during the period from January 25, 1951, through February 24, 1951, you allowed a purchaser of the same class for the payment of cash within the same period of time. If you were not in business between January 25, 1951, and February 24, 1951, your ceiling prices determined under other provisions of this regulation are reduced by 2 percent for cash payment within 10 days from date of invoice or date of bill of lading whichever is later.

SEC. 4. Ceiling prices for rejects. Plywood of any grade which has been rejected by grading process is referred to as "rejects". The ceiling prices for rejects are 10 percent below the ceiling price for the grade from which the plywood products covered by this regulation are rejected.

SEC. 5. Ceiling prices of softwood ply-wood, hardwood faced. The ceiling prices f. o. b. mill for carload direct mill sales per 1,000 square feet of softwood plywood, hardwood faced, shall be as follows:

TABLE 1-INTERIOR TYPE (MOISTURE RESISTANT)

SOFTWOOD PLYWOOD FACED WITH ROTARY CUT UNSELECTED BIRCH AND/OR MAPLE VENEER

[Widths 24" to 48" in 6" breaks]

Sanded Thickness	Lengths (inches)	A-2	A-3	2-2	2-3
'-3 ply	96	\$275	\$270	\$255	\$25
-3 ply	84 72 96	265	260	245	24 23
	70	255	250	235	21
'-3 ply '-5 ply	96	320	315	300	21
	84	310	305	290	2
-5 ply	79	300	295	280	2
'-5 ply	80	355	350	335	3
'-5 ply	93	345	340	325	3
-5 ply	72	335	330	315	3
'-5 ply	96	400	395	380	3
7-7 ply	84	390	385	370	3
7—7 ply	79	380	375	360	3
'-7 ply	30	435	430	415	4
-7 ply	84	425	420	405	- 3
-7 ply	79	415	410	395	3
7-7 ply	84 72 96 84 72 96 84 72 96 84 72 96	450	445	430	4
s''-7 ply	84	448	435	420	4
a"-7 ply	72	430	425	410	- 4

NET ADDITIONS

1. Width (with lengths over 48", add to 48" width)

Panels over 45" wide up to 60" inclusive add \$15.00 per 1,000 square feet.
Panels over 60" wide up to 72" inclusive add 20.00 per 1,000 square feet.
Panels over 72" wide up to 84" inclusive add 26.50 per 1,000 square feet.
Panels over 84" wide up to 96" inclusive add 38.50 per 1,000 square feet.

2. Counterfronts

For panels 50", 42", 43" long, widths 72", 84" and 96"—Use same price as 48" x 72".

For panels 30", 42", 48" long over 96" wide up to and including 120" add \$35 per 1,000 square feet to 48" x 72" price.

For panels 36", 42", 48" long over 120" wide up to and including 144" add \$30 per 1,000 square feet to 48" x 72" price.

TABLE 2-INTERIOR TYPE (MOISTURE RESISTANT) SOFTWOOD PLYWOOD PACED WITH SLICED WHITE OAK

VENEER [Widths 24" to 48" in 6" breaks]

Sanded thickness	Lengths (inches)	A-3
14"-3 ply 14"-3 ply 14"-3 ply 14"-3 ply 14"-3 ply 14"-5 ply 14"-5 ply 14"-5 ply 15"-5 ply 15"-5 ply 15"-5 ply 15"-5 ply 15"-5 ply 15"-5 ply 15"-7 ply	96 84 72 60 96 84 72 60 96 84 72 60 96 84 72 60	\$390 \$75 \$75 \$75 450 435 435 435 470 470 578 560 500 500

NET ADDITIONS OR DEDUCTIONS

1. Red oak faced plytecood

For softwood plywood red oak faced deduct \$16.50 per 1,000 square feet from above prices for same size and thickness.

For panels 48" long up to and including 96" wide. Use 84" length price for same thickness.

- For panels 48" long over 96" wide up to and including 120", add \$35 per 1,000 square feet to 84" price for same
- For panels 48" long over 120" wide up to and including 144", add \$50 per 1,000 square feet to \$4" price for same

TABLE 3-INTERIOR TYPE (MOISTURE RESISTANT)

SOFTWOOD PLYWOOD FACED WITH ROTARY CUT WALNUT

[Widths 24" to 48" in 6" breaks]

Sanded thickness	Lengths (inches)	A-3
14"-3 ply 14"-3 ply 14"-3 ply 14"-3 ply 14"-5 ply 14"-5 ply 15"-5 ply 15"-5 ply 15"-5 ply 15"-7 ply 15"-7 ply 16"-7 ply 16"-7 ply 16"-7 ply 16"-7 ply 16"-7 ply	60 96 84 72 60 96 84 72 60 96	\$355 840 340 340 41.6 400 400 450 435 435 435 525 525

NET ADDITIONS

1. Widths

For panels 48" long up to and including 96" wide. Use 84" price for same thickness.

For panels 48" long over 99" wide up to and including 128", and \$35 per 1,000 square feet to 84" price for same thickness.

For panels 48" long over 129" wide up to and including 144", and \$50 per 1,000 square feet to 84" price for same thickness.

TABLE 4-INTERIOR TYPE (MOISTURE RESISTANT) SOFTWOOD PLYWOOD FACED WITH SLICED STRIPE AFRICAN MAHOGANY VENEER

[Widths 24" to 48" in 6" breaks]

Sanded thickness	Lengths (inches)	A-4
14"-3 ply 14"-3 ply 14"-3 ply	96 84 72 96	\$280 270 260 330
56"—6 ply 56"—5 ply 56"—5 ply 16"—5 ply 14"—5 ply	84 72 96 84	330 310 370 360
15 -5 pty 56"-7 pty 56"-7 pty 56"-7 pty	72 96 84 72	35/ 41/ 40/ 39/
\$4"—7 ply \$4"—7 ply \$4"—7 ply 1346"—7 ply	96 84 72 96	45 44 43 48
1916"—7 ply	84 72	471 461

NET ADDITIONS

1. Width (with lengths over 48")

Panels over 48" up to 60" inclusive, add \$15 per 1,000

square feet.

Panels over 60" up to 72" inclusive, add \$30 per 1,000 square feet.

Panels over 72" up to 84" inclusive, add \$25.50 per 1,000 square feet.

Panels over 84" up to 96" inclusive, add \$38.50 per 1,000

square feet.

2. Counterfronts

Panels 48" long up to and including 96" wide. Same price as 48"×72" for same thickness.

Panels 48" long over 96" wide up to and including 120", add \$35 per 1,000 square feet to 48"×72" price for same thickness.

and aso per 1,000 square leet to as \(\times 12^2\) price to same thickness. Yanels 48" long over 120" wide up to and including 144", add \$30 per 1,000 square feet to 48"\(\times 72'\) price for same thickness.

TABLE 5-NET ADDITIONS TO TABLES 1, 2, 3, AND 4

1. For exterior glue bond (water proof)

Add for 3 ply, \$15 per 1,000 square feet, Add for 5 ply, \$25 per 1,000 square feet, Add for 7 ply, \$35 per 1,000 square feet, Add for 9 ply, \$45 per 1,000 square feet.

2. For sanding (other than drum sanding)

Add \$20 per 1,000 square feet.

SEC. 6. Ceiling prices of softwood plywood, Philippine mahogany faced. The ceiling prices for carload direct mill sales of softwood plywood, Philippine mahogany faced, shall be 14 percent above the sellers' highest f. o. b. mill carload prices during the period May 24, 1950 to June 24, 1950 inclusive, as set out in the seller's published carload price lists.

Note: If you cannot ascertain your ceiling prices for softwood plywood, Philippine ma hogany faced, under this section, you should apply for ceiling prices under section 10 of this regulation.

SEC. 7. Differentials, net extras, and special sales-(a) Extra thicknesses. For panels thicker than 13/16" unsanded:

Interior-Add \$17.00 per 1,000 square feet to the 'his' price for each his' of unsanded thickness over 'his' unsanded.

Exterior-Add \$22.00 per 1,000 square feet to the 1%6" price for each 1/6" of unsanded thickness over 15/6" unsanded.

(b) Non-standard sizes-cut to size specifications. For cut-to-size panels

(other than standard sizes listed) figure base size at nearest larger standard size or multiple and add \$2.50 per 1,000 square feet if one cut is required and \$2.50 per 1,000 square feet for each additional cut required.

(c) Solid core. For selected sound cores and cross bands add:

- 3 ply—\$5.00 per 1,000 square feet. 5 ply—\$15.00 per 1,000 square feet. 7 ply—\$25.00 per 1,000 square feet.
- (d) Toxic glue lines. For treating panels to provide toxic glue lines add:
 - 3 ply—\$5.00 per 1,000 square feet. 5 ply—\$10.00 per 1,000 square feet. 7 ply—\$15.00 per 1,000 square feet.
- (e) Marine grade. For special marine grade specifications to conform to Mil-P-66A add to exterior ceiling prices for the required size and thickness, the net extra cost for solid core and cross bands shown under section 7 (c) plus \$2.00 per 1,000 square feet for jointed

(f) Bundling. For bundling in heavy kraft paper packing add 85 cents per ½6" in thickness per 1,000 square feet.

(g) Lotting. For segregating or lot marking on car of two or more lots add \$10.00 for each lot over one.

(h) Carload shipments mixed with lumber. Where plywood is mixed with lumber in carload shipments an addition may be made to the plywood carload ceiling prices as follows: If the plywood is less than 20,000 pounds, add 10 percent to the plywood carload ceiling price. If the plywood is 20,000 pounds to 38,000 pounds, add 5 percent to the plywood carload ceiling price.

(i) Plywood with additional plies. For plywood manufactured with additional plies over the number required by standard practice as shown in the price tables, add for each two additional plies:

For interior—\$14.50 per 1,000 square feet.
For exterior—\$17.50 per 1,000 square feet.
Examples: %" sanded requiring 7 plies instead of the standard 5 plies; %" sanded requiring 5 plies instead of the standard 3 plies.

SEC. 8. Established weights of plywood. Established weights no higher than the following may be used in figuring delivery charges of plywood under this regulation.

Thickness (in	Pounds per 1,000
inches):	square feet
1/4	490
Pid-	640
1/4	790
%16	950
- Harris Control of the Control of t	1, 125
In the second control of the second control	1,300
	STATE OF THE PARTY
12	
*/	1,675
	1, 825
31/10	2,000
%	2, 225
3916	2,375
%	2,600
1950	2,800
1	3,000
11/10	3, 175
11/6	3,350

For thicknesses greater than 11/2" use 1" weight plus weight of other thicknesses necessary.

Note: The seller must apply, under section 10 of this regulation, to the Lumber and Wood Products Branch, Forest Products Division, Office of Price Stabilization, Washington 25, D. C., for established weights for other softwood species and other products covered by this regulation not shown in above table.

SEC. 9. Exports. The ceiling prices for export sales of softwood plywood, hardwood faced are governed by Ceiling Price Regulation 61, issued by the Office of Price Stabilization.

Sec. 10. Ceiling prices for products not otherwise covered-(a) Application. If you cannot ascertain a ceiling price for plywood subject to this regulation under any other provisions of this regulation, as, for example, should you wish to sell plywood with special faces, grades, specifications, thicknesses, services, or weights other than those covered in section 8 or other extras not specifically provided for in this regulation, you must file an application with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for approval of a special ceiling price. Your application must be made by registered letter. return receipt requested, and must set forth all the relevant facts, including the following:

(1) As complete a description as possible of the plywood for which the application is filed. This should include the species, grade, thickness, condition and measurements, of the plywood, together with a detailed description of the workings, specifications, services, or other extras involved.

(2) Your proposed ceiling price, together with a statement indicating why you believe it is in line with the level of ceiling prices established under this regulation.

(3) The differential between your proposed celling price and the celling price of the most nearly comparable item under this regulation; of, if that differential cannot be ascertained, a statement of the reasons therefor.

(b) Quotation of proposed prices. After an application has been filed under this section, and before action by the Director of Price Stabilization, you may sell your plywood at the ceiling price proposed in your application, provided that you agree to, and later, refund to the buyer, the amount, if any, by which your proposed price exceeds the ceiling price established by the Director of Price Stabilization.

(c) Action by the Director of Price Stabilization. (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 30 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed additional information, your proposed ceiling price shall be deemed to have been approved, subject to modification at a later time.

(3) Approval of applications by the Director under this section is subject to a satisfactory showing that proposed

prices are in line with the level of ceiling prices otherwise established by this regulation.

SEC, 11. Modification of proposed ceiling prices by Director of Price Stabilization. The Director of Price Stabilization may at any time disapprove or reduce ceiling prices determined under this regulation so as to bring them in line with the level of ceiling prices otherwise established by this regulation.

SEC. 12. Petitions for amendment. If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 13. Adjustable pricing. Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 14. Records. This section applies to you if you sell, or if you buy, in the regular course of trade or business, any product covered by this regulation.

(a) If you sell, you shall make and keep, or if you buy, you shall keep for inspection by the Director of Price Stabilization, in addition to the base period records required by section 16 (a) of the General Ceiling Price Regulation, for a period of two years, accurate records of each sale or purchase made after the effective date of this regulation. The records, which may be in the form of invoices, must show:

The date of the purchase or sale.
 The name and address of the buyer and seller.

(3) The quantity, grade and size of the product or products covered by this regulation which are sold or bought.

(4) Prices charged or paid and terms of sale,

(5) All pertinent information which affects the ceiling price, such as any specification or extra, whether each purchase or sale is made on an f. o. b. mill or on a delivered basis; in the case of a sale on a delivered basis, your records must also show all the transportation charges, together with the rates applied, and the origin and destination of shipment. Records must also show all premiums, discounts and allowances.

(b) Persons required to keep records by paragraph (a) of this section shall keep such other records and shall submit such reports as the Director of Price Stabilization may, from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Sec. 15. Transfers of business or stock in trade. If the business, assets or stock in trade of any business are sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in the same products, in an establishment separate from any other establishment previously owned or

operated by him, the celling prices of the transferee shall be the same as those to which his transferor would have been subject, if no such transfer had taken place, and his obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

Sec. 16. Excise, sales and similar taxes. Any person may collect, in addition to the ceiling price established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sale of a product covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his ceiling price the amount of the tax collected.

SEC. 17. Interpretations. If you wish an official interpretation of this regulation, you should write to the District Counsel of your district office of the Office of Price Stabilization. Any action taken by you in reliance upon, and in conformity with a written official interpretation, will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revision 2.

SEC. 18. Prohibitions and violations. (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages. Prices lower than the ceiling prices may be charged, paid or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 19. Evasions. Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation, This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements, trade understandings, unnecessarily routing through commonly owned or controlled warehouses or yards in order to avoid customary functional discounts or to obtain distribution plant markups and the like, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 20. Definitions. (a) This regulation and the terms which appear in it shall be construed in the following manner unless otherwise clearly required by the context:

 Carload. This term is defined in section 3 of this regulation.

(2) Direct Mill Sale. This term is defined in section 2 (b) of this regulation.

(3) Director of Price Stabilization. This term extends to any official (including officials of Regional or local offices) to whom the Director of Price Stabilization, by order, delegates a function, power, or authority referred to in this regulation.

(4) Established weights. This term means the weights per 1,000 square feet of various thicknesses of plywood set forth in section 8 of this regulation.

(5) Manufacturer. This term means any person who produces plywood cov-

ered by this regulation.

(6) Most nearly comparable item. This term means the plywood product most nearly like an item for which an application is filed under section 10. That product is the closest one of a group of related products which are normally classed together for pricing purposes, even though they differ in respect to size, grade, name or trade-mark.

(7) Person. This term includes any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of the foregoing, and the United States and any other Government or their political subdivision or agencies.

(8) Records. This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(9) Sell. This term includes sell, supply, dispose, barter, trade, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The terms buy and purchase shall be construed accordingly.

(10) You. This term means the person subject to this regulation. Your and yours are construed accordingly.

Effective date. This regulation shall become effective June 30, 1952.

Note: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[P. R. Doc. 52-7297; Filed, June 30, 1952; 12:15 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 110]

GCPR, SR 110-TRUE MAHOGANY LOGS AND LUMBER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 110 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation suspends sales and purchases of true mahogany logs and lumber from the provisions of the General Ceiling Price Regulation.

True mahogany does not grow in the United States; therefore, all logs from which mahogany lumber is produced are imported. Some lumber, especially in the form of flitches, is also imported.

The principal growing areas of true mahogany are Africa, Mexico, Central and South America. True mahogany is derived from trees classified botanically as belonging to the Meliaceae family. Tropical American mahogany is derived primarily from Swietenia Macrophylla, very minor quantities are derived from Swietenia Humilis; African mahogany is derived from various species of the genus Khaya.

"Philippine mahogany" is not true mahogany and is not in any way subject to the provisions of this supplementary regulation. It is derived from a group of Philippine woods; primarily, Red Lauan, White Lauan, Tanguile, Almon, and Bagtikan.

The entire operation of bringing true mahogany from the forest to the United States is usually financed by the American purchasers who normally are converters as well as importers. This financing is usually done under irrevocable letters of credit and may also include the loan of heavy and expensive logging and hauling equipment to the foreign producers as well as loans to meet payrolls.

Generally speaking, it is customary for contracts to be placed with local log producers in the summer or fall of one year for logs to be brought out in the following spring and summer. Contracts of several years duration are not, however, uncommon. Prior to entering such contracts the prospective importer must undertake negotiations with local producers, and sometimes political entities, and must conduct cruising operations which are often expensive. The usual practice is for advances which have been made to foreign producers to be repaid by credits against the logs delivered in the United States. For many reasons,

the foreign producer not infrequently

falls short of the production expected in one season and credits which were expected to be of a year's duration often take much longer to be settled. Sometimes they never are settled and become merely unpredictable expenses which must be charged against the cost of the logs actually delivered. This further complicates a difficult cost and sales problem developing from the fact that normally the first shipments of logs are converted into lumber and sold before the contract is completed. It is therefore impossible to prorate such unpre-

dictable expenses.

True mahogany does not grow in pure stands, but rather trees suitable for logging are found in isolated positions or in groups of two or three. It is therefore impossible to confine logging operations to areas close to streams which will at the flood season be capable of carrying the logs to navigable waters. Overland hauls of 40-to 60 miles are not uncommon. Once trees are felled they are subject to the attack of the ambrosia beetle and may be seriously damaged before they reach the water. After they have been floated to the brackish water of the river mouths they are subject to the attack of marine borers. As a result of such factors it is impossible for an American importer of these logs to know the value of the lumber or veneer which can be produced from any given log until the log has actually been opened up at his saw mill. Frequently high priced logs are found unsuitable for veneer and must be cut into lumber at a loss. Not infrequently importers are billed for veneer logs and receive low grade sawlogs. When mahogany lumber is imported it is often necessary to regrade it. For these reasons, and for others, including political conditions and uncertainty of tax impositions in the producing areas, it is difficult for the importer to know the landed cost of mahogany logs and lumber. Thus, it is not practicable to put these products under the imports regulation, and in view of increased foreign costs, continuation of GCPR ceilings is likely to be an impediment to continued importation. Because the existing supply of mahogany logs and lumber is adequate to meet demand under existing market conditions, any increases which may result from suspension of ceilings should be nominal, and they will be carefully reviewed by OPS on the basis of the quarterly reports which the industry must file under this supplementary regulation.

The anticipated increase in prices of mahogany logs and lumber will not have a substantial impact upon the economy. In 1950, mahogany lumber imports totaled 27,917 M board feet, valued at \$4,-783,113. In addition, 56,500 M board feet of mahogany logs, valued at \$7,998,068, were imported. During 1950, 28,196 M board feet of lumber was produced from imported logs, indicating that 28,304 M board feet of logs were available for inventory and for the production of veneer. In its usual peacetime uses mahogany reaches the ultimate consumer almost exclusively as a component of furniture, cabinets and plywood. These end products as well as mahogany veneer, will remain under price control. Suspension of cellings on mahogany logs and lumber will therefore not raise the cost of living.

In the formulation of this regulation there has been consultation within industry representatives, including trade association representatives and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.

- 1. What this supplementary regulation does,
- 2. Geographical applicability.
- 3. Suspension. 4. Records.
- 5. Reports.
- 6. Definitions.

AUTHORIT: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U.S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U.S. C. App.

Sup., 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

Section 1. What this supplementary regulation does. The purpose of this supplementary regulation is to suspend all sales and purchases of true mahogany logs and lumber from the provisions of the General Ceiling Price Regulation.

SEC. 2. Geographical applicability. The provisions of this supplementary regulation are applicable in the 48 States of the United States and the District of Columbia.

SEC. 3. Suspension. On and after the effective date of this supplementary regulation, and until such time as the Director of Price Stabilization takes further action, the provisions of the General Ceiling Price Regulation shall not apply to any sale and purchase of true mahogany logs and lumber.

SEC. 4. Records—(a) Current records. On and after the effective date of this supplementary regulation, you shall make and keep, in the manner provided in the first sentence of section 16 (b) of the General Ceiling Price Regulation, all records of sales and purchases of true mahogany logs and lumber covered by this supplementary regulation as you are required to keep by section 16 (b) of the GCPR.

(b) Existing records. You shall also continue to preserve for the applicable periods indicated in section 16 of the GCPR all records which, prior to the effective date of this supplementary regulation, you made and kept under the provisions of section 16 of the GCPR.

SEC. 5. Reports—(a) Initial reports. Within 30 days after the effective date of this supplementary regulation, you shall file with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., a report showing the following information with respect to:

(1) Logs. (i) Your ceiling prices for true management logs established under the provisions of the General Ceiling Price Regulation with respect to each class of purchaser. (ii) Your actual selling price to each class of purchaser, and date of sales, of true mahogany logs for your last sale made prior to the effective date of this regulation.

(2) Lumber. (i) Your carload ceiling prices for true mahogany lumber, established under the provisions of the General Ceiling Price Regulation with respect to each class of purchaser, for one inch and for two inch thicknesses in each of the following grades: FAS, Selects, No. 1 Common, No. 2 Common, and N. O., and FAS (A) Wormy.

(ii) Your actual carload selling price to each class of purchaser, and date of sales for your last sales made prior to the effective date of this regulation of true mahogany lumber in the thicknesses and grades listed in subparagraph (2) (i)

above

(b) Quarterly reports. Within 20 days after each of the calendar periods ending March 31, June 30, September 30, and December 31 of each year during which this supplementary regulation remains effective, you shall file with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., a report for the respective calendar period on OPS Public Form No. 141 showing the following information with respect to:

(1) Logs. (i) The principal class of purchaser to which you sold true mahog-

any logs.

(ii) The highest price at which you delivered true mahogany logs (\$ per MFBM) to the above.

(iii) The total board feet delivered at

highest price (MFBM).

(iv) The total board feet of all deliveries (MFBM).

(2) Lumber. (i) The highest price at which you delivered true mahogany lumber in carload lots in one inch and in two-inch thicknesses in each of the following grades: FAS, Selects, No. 1 Common, No. 2 Common, N. O. and FAS (A) Wormy.

(ii) The total board feet delivered at

highest carload price (MFBM)

(iii) The total board feet of all deliveries of true mahogany lumber (MFBM) in one inch and in two inch thicknesses in each of the following grades: FAS, Selects, No. 1 Common, No. 2 Common, N. O. and FAS (A) Wormy.

Note: In reporting your lumber sales, you must report separately your sales of one inch and two inch items. You must use OPS Public Form No. 141 in providing the above required information.

(c) Reports made under this section shall contain your company name and address and be signed by you if an individual; if a partnership, by a partner, or if a corporation, by a duly authorized officer.

Section 6. Definition—(a) Class of purchaser. Class of purchaser is determined by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for instance, manufacturer, wholesaler, individual retail store, retail chain, or yard, government agency). It may (but need not) be based on the location of the purchaser or the quantity purchased by him.

If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

(b) True mahogany logs and lumber. The term "true mahogany logs and lumber" means logs and lumber derived from trees belonging to the Meliaceae family of the species Swietenia Macrophylla, Swietenia Humilis and various species of the genus Khaya.

The term "true mahogany logs and lumber" does not include logs or lumber sold under the trade name "Philippine mahogany" derived from woods belonging to the Dipterocarpaceae family.

(c) You. The pronoun "you" as used in this supplementary regulation means any person who sells true mahogany logs and lumber subject to this supplementary regulation.

Effective date. The effective date of this supplementary regulation is June 30, 1952.

Note: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

> ELLIS ARNALL, Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7296; Filed, June 30, 1952; 12:15 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A-Salary Stabilization Board

[General Salary Stabilization Regulation 8, Revised]

GSSR 8—HEALTH AND WELFARE PLANS STATEMENT OF CONSIDERATIONS

Health and welfare plans providing for prepayment on a group basis of the cost of hospitalization, surgical and medical care, accident, sickness and disability insurance, and life insurance have grown

greatly during the last decade.
On January 30, 1952, the Salary Stabilization Board issued General Salary Order No. 11 to permit the establishment of health and welfare plans in certain instances, pending the development of a broader policy. The Board gave further consideration to stabilization problems involved in such health and welfare plans and accordingly, on May 15, 1952, promulgated General Salary Stabilization

Regulation 8.

Thereafter the Wage Stabilization Board unanimously revised its regulation to permit health and welfare plans to go into effect without regard to certain limitations previously imposed, subject to the procedures set forth in the revised regulation. To the extent that the selfadministering provisions of General Salary Stabilization Regulation 8 were based on standards established by the Wage Stabilization Board, substitution of a new standard is required for putting certain health and welfare plans into effect without the prior approval of the Office of Salary Stabilization. Accordingly, the Salary Stabilization Board has

adopted General Salary Stabilization Regulation 8, Revised.

In the formulation of the provisions of this regulation, due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended; there has been consultation with industry representatives and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec

- Health and welfare plans which may be put into effect or continued without approval of the Office of Salary Stabilization.
- Approval of other health and welfare plans.
- Charge-off of employer contributions to, and benefits paid under, health and welfare plans authorized by this regulation.
- Cost of health and weifare plans shall not justify price increases.
- 5. Record-keeping required.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 P. R. 6105, 3 CFR, 1950 Supp.

Section 1. Health and welfare plans which may be put into effect or continued without approval of the Office of Salary Stabilization. A plan providing for hospital expense, surgical expense, or in-hospital medical expense (including any of the foregoing benefits for employee dependent), temporary disability, sick leave, permanent and total disability, accidental death and dismemberment benefits, or group life insurance (covering a group of at least 25 employees), may be put into effect or continued without approval of the Office of Salary Stabilization under any one of the following conditions:

(a) If it covers employees subject to the jurisdiction of both the Wage Stabilization Board and the Salary Stabilization Board upon the same or similar terms and (1) meets the requirements of General Wage Regulation No. 19, Revised, or (2) is approved by the Wage Stabilization Board for employees under its jurisdiction; or

(b) If it covers only employees subject to the jurisdiction of the Salary Stabilization Board; and

 Covers under a group plan at least a majority of such employees; and

(2) Does not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees; and

(3) The benefits under the plan are not inconsistent with prevailing practice with respect to such plans; and

- (4) No payment or distribution of any life insurance benefit contributed by the employer, or loan based on such benefit, shall be made to any participating employee or his beneficiaries except in the event of:
 - (i) The death of the employee; or
- (ii) His total and permanent disability; or
- (iii) His retirement or the termination of his employment; or

(c) If the employees covered by the plan and subject to the jurisdiction of the Salary Stabilization Board pay at least 40 per cent of the premium payment; or

(d) If it is an extension of an existing plan to additional employees within the same plant or establishment, or from a group of employees in one geographical unit of a multiplant employer to a similar group of employees in another geographical unit of the same employer; or

(e) If it is an extension, renewal or continuation of a plan in effect on January 25, 1951, or approved by the Wage Stabilization Board prior to May 10, 1951, or by the Office of Salary Stabilization thereafter; or

(f) If it is a new or amended plan required by law.

SEC. 2. Approval of other health and welfare plans. The Office of Salary Stabilization is authorized, upon application, to approve health and welfare plans which may not be put into effect without prior approval under section 1 of this regulation. Such approval shall not be given to a plan which is discriminatory, or the terms of which are excessive as compared with the terms of plans which may be put into effect without approval.

SEC. 3. Charge-off of employer contributions to, and benefits paid under, health and welfare plans authorized by this regulation. (a) An employer is not required to charge, against any increases in salary or other compensation authorized under any salary stabilization regulations or orders, any contribution which is made to, or any benefit paid under, a health and welfare plan which is put into effect under the provisions of this regulation.

(b) An employer who since January 25, 1951, has established or modified a health and welfare plan under the provisions of any General Wage or General Salary Stabilization Regulation or General Salary Order, may eliminate the cost of such benefit from the amount chargeable against any increases in salary or other compensation authorized by General Wage Regulation 6, section 8 of General Salary Stabilization Regulation 1, or General Salary Order 6 to the extent that the cost of such benefit was so charged.

Sec. 4. Cost of health and welfare plans shall not justify price increases. The cost of a health and welfare plan put into effect under the provisions of this regulation shall not, except as otherwise provided by the Defense Production Act of 1950, as amended, furnish a basis either to increase price cellings or to resist otherwise justifiable reductions in price cellings.

SEC. 5. Record-keeping required. (a) No report is required to be filed with the Office of Salary Stabilization in respect of any health and welfare plan put into effect under section 1 of this regulation.

(b) An employer putting into effect a health and welfare plan authorized by this regulation shall keep available for inspection by appropriate authority a copy of such plan and a record of the contributions to the plan, whether in the form of premium payments or otherwise,

and whether made by the employer or by an employee.1

Nors: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Salary Stabilization Board this 17th day of June 1952.

> JUSTIN MILLER, Chairman.

[F. R. Doc. 52-7300; Filed, June 30, 1952; 12:17 p. m.]

[Interpretation 11]

Int. 11—New Plants (Section 11 of General Salary Stabilization Regulation 1, As Amended

This interpretation is intended to cover primarily the question of when a business enterprise is classified as a new plant under salary stabilization. The interpretation also deals with certain aspects of fixing the compensation of employees of a new plant.

1. Q. A corporation during 1951 was engaged in the manufacture of passenger cars and automotive parts. In the last part of 1951 it obtained contracts for the manufacture of automotive and aviation military equipment, and early in 1952 began using a substantial part of its plant and equipment for the manufacture of such military equipment. With very few exceptions, the same personnel was retained and very little new machinery was necessary in order to accomplish the partial shift to the manufacture of the new product. Has a new plant been established within the meaning of section 11 of General Salary Stabilization Regulation 1, as amended?

A. No. The shift in the product manufactured does not constitute the establishment of a new plant or the conversion of an existing plant into a new plant within the meaning of section 11 (a) of General Salary Stabilization Regulation 1, as amended. There has been no substantial change in personnel or in the equipment or machinery of the plant. Any new positions which are necessary because of a partial shift in products would be established pursuant to section 8 of General Salary Stabilization Regulation 3, as amended.

2. Q. A corporation on February 15, 1951 began to manufacture a product not previously manufactured by it. For this purpose, it converted one of its existing plants and installed a large quantity of new machinery. The manufacture of the new product required the hiring of new personnel for a considerable number of key positions. Does the converted plant constitute a new plant within the meaning of section 11 of General Salary Stabilization Regulation 1, as amended?

A. Yes. On January 25, 1951 the converted plant had not commenced the manufacture of the new product and there was a substantial shift to new kinds of machinery and production processes

¹ General Salary Order 11 was superseded by General Salary Stabilization Regulation 8, issued May 15, 1952, which had not been employed previously. Therefore, the operation of the converted plant required employment of a different type of personnel and the establishment of a different salary structure from that previously in effect in the plant.

For example, if a manufacturer of glass bottles were to convert some of his plant-facilities to the manufacture of metal containers, the portion of the plant which is engaged in the manufacture of such metal containers would constitute a new plant.

3. Q. How are the salaries of persons employed in a plant converted to a new product, which constitutes a new plant, determined?

A, The salaries of such employees must be determined in accordance with the provisions of section 11 of General Salary Stabilization Regulation 1, as amended.

4. Q. X, the president of a corporation, forms a general partnership with Y, one of his employees, on April 1, 1951, as a separate business to distribute a line of merchandise not heretofore handled by the corporation. Certain of the employees of the corporation became employees of the partnership. How are their salaries to be determined?

A. In accordance with the provisions of section 11 of General Salary Stabilization Regulation 1, as amended. Since the new partnership was not on January 25, 1951, engaged in the business for which it was formed, it is a new plant.

5. Q. A, B, and C formed a partnership in December 1950 for the purpose of rendering services as engineering consultants. They did not have any clients until March 1951 and did not hire any employees until that time. Under which salary stabilization regulation must the salaries of their employees be determined?

A. Section 11 of General Salary Stabilization Regulation 1, as amended. Although the partnership was formed prior to January 25, 1951, it had not commenced to render services until after that date and, therefore, constitutes a new plant under section 11.

6. Q. Assume that, prior to January 25, 1951, the partnership referred to in question 5 had hired several employees subject to the jurisdiction of the Wage Stabilization Board and rendered services to clients before January 25, 1951, Subsequent to January 25, 1951, employees subject to the jurisdiction of the Salary Stabilization Board are hired. How are the salaries of these employees determined?

A. In accordance with section 8 of General Salary Stabilization Regulation 3, as amended. In this case the partnership had commenced operations before January 25, 1951 and is not a new plant under section 11 of General Salary Stabilization Regulation 1, as amended. To the extent that in this situation the setting of salaries for employees requires the establishment of a salary plan, an application may be required to be filed under section 2 (e) of General Salary Stabilization Regulation 3, as amended.

7. Q. A. B and C form a corporation for the manufacture of a particular product. The corporation establishes salaries for A. B and C as officers and for all other employees in accordance with the criteria for the determination of such salaries contained in section 11 of General Salary Stabilization Regulation 1, as amended. The corporation wishes to include a profit sharing bonus plan as part of the compensation to be paid to its employees. May this be done under section 11 of General Salary Stabilization Regulation 1, as amended?

A. Not without prior approval. Section 11 (b) of General Salary Stabilization Regulation 1, as amended, permits the employer to establish schedules of salary rates for employees in a new plant which may be put into effect, in accordance with the provisions of section 11 (c), 20 days after filing with the Office of Salary Stabilization unless disapproved within that period. Other compensation for employees in a new plant may be paid only upon actual prior approval of the Office of Salary Stabilization in accordance with the provisions of section 11 (d) of General Salary Stabilization Regulation 1, as amended, and may not be put into effect under the provisions of section 11 (c). However, for purposes of section 11 (c), schedules of salary rates may include commission rates for sales employees covered by General Salary Stabilization Regulation 5.

8. Q. A new corporation was formed in October 1951 and the salaries of its employees were determined in accordance with the provisions of section 11 of General Salary Stabilization Regulation 1, as amended. May such employees receive any of the ten percent increase authorized under section 8 of General Salary Stabilization Regulation 1, as amended?

A. No. "New plants" are always plants which have come into existence since January 25, 1951. Therefore, it is presumed that the salary schedule of a new plant, being based on current rates in the local labor market, always takes into account the ten percent increase authorized under section 8 of General Salary Stabilization Regulation 1, as amended.

9. Q. On June 1, 1951, an employer filed with the Office of Salary Stabilization a schedule of salary rates for a new plant, which he put into effect after three weeks in accordance with the provisions of section 11 (c) of General Salary Stabilization Regulation 1, as amended. May the employer thereafter disregard the schedule filed by him and file a substitute schedule of salary rates which he may put into effect, in accordance with the conditions of section 11 (c) (2), three weeks after the date of filing with the Office of Salary Stabilization, if the Office has failed to act in the interim?

A. No. Since the employer filed a schedule of salary rates which has gone into effect under section 11 (c), he is bound by such schedule and may not modify it except in accordance with applicable salary stabilization regulations or orders or with the prior approval of the Office of Salary Stabilization.

10. Q. A survey made by an employer who commenced operations in March 1951, indicates that the salaries currently paid by him in accordance with salary schedules originally established and approved under section 11 of Gen-

eral Salary Stabilization Regulation 1, as amended, are below the salary levels of other employers in the same industry or area. What kind of relief is available to the employer?

A. The employer may apply for relief under General Salary Order 5, if he can show that an interplant inequity has been created since he established his sal-

ary schedules in October 1951.

11. Q. An employer opened a new plant on January 1, 1952 and three weeks after the date of filing his schedule of salary rates under section 11 of General Salary Stabilization Regulation 1, as amended, put the schedule into effect. Upon review by the Office of Salary Stabilization the schedule of salary rates was disapproved in part. Is the employer required to reduce his salary rates

to the approved level?

A. Yes. Salary rates put into effect pursuant to section 11 are subject to disapproval and any employer putting into effect salary rates under section 11 without the specific approval of the Office of Salary Stabilization must advise his employees that such salary rates are interim rates which are subject to approval and adjustment by the Office of Salary Stabilization for all payroll periods subsequent to the date of the employer's receipt of the ruling of partial disapproval.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization, June 26, 1952.

JOSEPH D. COOPER, Executive Director.

[F. R. Doc. 52-7301; Filed, June 30, 1952; 12:17 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 1, Amendment 1 of June 30, 1952]

CMP Reg. 1—Basic Rules of the Controlled Materials Plan

DIR. 1—PROCEDURES FOR OBTAINING MINI-MUM QUANTITIES OF MATERIALS BY PRO-DUCERS OF CLASS B PRODUCTS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

AMENDATORY PROVISIONS

Direction 1, as last amended June 18, 1952, to CMP Regulation No. 1 is hereby amended by adding to section 3, new paragraphs (h) and (i) to read as follows:

(h) Except ás provided in paragraph
(e) of this section or as otherwise provided by NPA, a producer of a Class B product must obtain his requirements of all kinds of controlled materials in a particular calendar quarter for a partic-

ular product class either pursuant to this direction or pursuant to application submitted on Form CMP-4B, and may not self-authorize for one or more kinds of controlled materials and submit a Form CMP-4B for one or more other kinds of controlled materials.

(i) A producer of a Class B product who is entitled to operate under the provisions of this direction, may calculate his maximum self-authorization quantity for each kind of controlled material separately pursuant to paragraph (a) or paragraph (b) or paragraph (c) of this section (subject to the base period use provisions of such paragraphs), and need not calculate his maximum self-authorization quantities of all kinds of controlled materials pursuant to a single paragraph.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect June 30, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By John B. Olverson,
Recording Secretary.

[F. R. Doc. 52-7286; Filed, June 30, 1952; 11:27 a. m.]

[CMP Regulation No. 1, Direction 14 of June 30, 1952]

CMP Reg. 1—Basic Rules of the Controlled Materials Plan

DIR. 14—ADDITIONAL ADVANCE ALLOTMENT AUTHORITY FOR HEAVY CARBON STEEL CASTINGS

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, because the direction affects many different industries and due to the need for immediate action, it has been impracticable to consult with representatives of all industries concerned.

REGULATORY PROVISIONS

What this direction does.
 Additional advance allotments.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 729, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 P. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10261, Aug. 26, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

Section 1. What this direction does. This direction grants to manufacturers of Class B products additional advance allotments for a period of seven calendar quarters to cover their requirements and those of their secondary consumers for carbon steel (including low-alloy) castings weighing 10,000 pounds or over. It is designed to permit and encourage

placement of authorized controlled material orders for such castings in sufficient time prior to requested delivery dates so that NPA can take the necessary action to insure, so far as practicable, that requirements for this type of controlled material will be met.

SEC. 2. Additional advance allotments. A manufacturer of a Class B product who has received an authorized production schedule, related allotment and advance allotments of carbon steel from an industry division or a claimant agency is hereby granted additional advance allotments of carbon steel for each of the seven calendar quarters immediately subsequent to the latest calendar quarter for which he received an advance allotment of carbon steel from such industry division or claimant agency, equal to the carbon steel allotment for such latest quarter: Provided, however, That such additional advance allotments may be used only (a) to place authorized controlled material orders for no more than his actual requirements of individual carbon steel (including lowalloy) castings weighing 10,000 pounds or over each, and (b) to make advance allotments to secondary consumers producing Class A products for him to cover no more than their actual requirements of individual carbon steel (including lowalloy) castings weighing 10,000 pounds or over each, in which event the allotments shall specify such limitation.

This direction shall take effect June 30, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By John B. Olverson,
Recording Secretary.

[F. R. Doc. 52-7287; Filed, June 30, 1952; 11:27 a. m.]

[CMP Regulation No. 2, Direction 1 of June 30, 1952]

CMP Reg. 2—Inventories of Controlled Materials

DIR. 1—TEMPORARY SUSPENSION OF INVEN-TORY LIMITATIONS ON COPPER AND ALUMINUM

This direction under CMP Regulation No. 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

REGULATORY PROVISIONS

Sec.

1. What this direction does.

2. Suspension of inventory limitations.

AUTHORITY: Sections 1 and 2 issued under sec, 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10260, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

Section 1. What this direction does. In view of the work stoppage in the steel industry and consequent interruption in meeting authorized production and construction schedules, this direction temporarily accords users of copper and aluminum the privilege of exceeding inventory restrictions upon such materials.

SEC. 2. Suspension of inventory limitations. (a) A user of controlled material may accept delivery of any item of copper controlled material and any item of aluminum controlled material without regard to the inventory limitations of CMP Regulation No. 2.

(b) Nothing in this section shall be construed to permit a user of controlled material to obtain any controlled material or to make allotments in excess of the related allotment received by him, or in excess of the quantities for which he is permitted to self-authorize delivery orders.

This direction shall take effect June 30. 1952.

NATIONAL PRODUCTION AUTHORITY, By JOHN B. OLVERSON, Recording Secretary.

(F. R. Doc. 52-7288; Filed, June 30, 1952; 11:27 a. m.]

INPA Order M-25, Direction 4 of June 30, 19521

M-25-CANS

DIR. 4-EMERGENCY PACKING OF PERISHABLE FOOD PRODUCTS

This direction to NPA Order M-25 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formula-tion of this direction there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec. 1. What this direction does.

2. Definition.

3. Suspension of can material specifications for perishable food products.

Direction to can manufacturers.
 Duration of this direction.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 815, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. What this direction does. For the purpose of applying, so far as practicable, all stocks of tin plate currently available or to become available to the packing of perishable food products, this direction suspends can material specifications for packing such products and requires can manufacturers to give perference (subject to direct defense requirements) to orders for cans for packing such products.

SEC. 2. Definition. "Perishable food product" means any food product for human consumption which by trade custom and to prevent spoilage is canned quickly after its first separation from its natural source.

Sec. 3. Suspension of can material specification for perishable food prod-ucts. Any packer may pack any perishable food product listed in Schedule I of NPA Order M-25 without regard to the can material specifications prescribed for that product by that schedule.

SEC. 4. Direction to can manufac-turers. Subject to the provisions of section 8 of NPA Order M-25, every can manufacturer shall schedule his operations (including the use of all tin plate in his possession, and his ordering of any such plate) so as to insure, so far as practicable, preference in the filling of orders for cans for packing perishable food

SEC. 5. Duration of this direction. This direction shall continue in effect until the National Production Authority shall by order, by direction, or by revocation of this direction, otherwise provide.

This direction shall take effect June 30, 1952.

> NATIONAL PRODUCTION AUTHORITY, By JOHN B. OLVERSON, Recording Secretary.

[F. R. Doc. 52-7289; Filed, June 30, 1952; 11:27 a. m.]

[NPA Reg. 1, Amendment 2 of June 30, 1952]

NPA REG. 1-INVENTORY CONTROL

REMOVAL OF SLAB ZINC FROM INVENTORY LIMITATION

This amendment to NPA Reg. 1 is found necessary and appropriate to promote the national defense and is issued under the authority granted by the Defense Production Act of 1950, as amended, Consultation with industry representatives, including trade association representatives, in advance of the issuance of this amendment has been rendered impracticable by the fact that this amendment applies to all trades and industries.

NPA Reg. 1 as amended by Amend-ment 1 of May 16, 1952, is hereby further

amended as follows:

The following is to be deleted from Table IB of NPA Reg. 1 under the column headings indicated:

Inventory limitation (calendar days) Materials:

Zinc, slab (all grades)

The practicable minimum working inventory limitation provision does not apply. (Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect June 30, 1952.

> NATIONAL PRODUCTION AUTHORITY, By JOHN B. OLVERSON, Recording Secretary.

[F. R. Doe. 52-7285; Filed, June 30, 1952; 11:26 a. m.]

Chapter XVI-Production and Marketing Administration, Department of Agriculture

[Defense Food Order 3 and Import Determination]

DFO 3-AGRICULTURE IMPORTS

NOTICE OF CONTINUATION OF DETERMINA-TION RELATING TO IMPORTS UNDER DE-FENSE PRODUCTION ACT AND OF DEFENSE FOOD ORDER 3. AS AMENDED

In view of the uncertainty as to the extention, beyond June 30, 1952, of authority for import controls under the Defense Production Act of 1950, as amended (64 Stat. 798, as amended; 50 U. S. C. App. Supp. 2061 et seq.), in order to avoid confusion among importers and other interested persons, notice is hereby given pursuant to sections 104 and 704 of said act that the determination under said section 104 made on August 9, 1951 (16 F. R. 7937), and Defense Food Order 3, as amended, (16 F. R. 7934, 8272; 17 R. 4490) issued to implement such determination, will be effective after June 30, 1952 if section 104 is extended or comparable legislation is enacted unless and until they are revoked or amended or the authority therefor ex-

During the effective period of such determination and order no person shall import, purchase for import, receive or offer to receive on consignment for import, or make any contract or other arrangement including any financing arrangement, for the importing of, any commodity listed in said determination and order except in accordance with said order, as amended.

(Sec. 704, 64 Stat. 816, 65 Stat. 139; 50 U.S.C. App. Supp. 2154. Interprets or applies secs. 101 and 104, 64 Stat. 799, 65 Stat. 131, 132; 50 U. S. C. App. Supp. 2071, 2074)

Done at Washington, D. C. this 27th day of June 1952.

[SEAL] CHARLES F. BRANNAN, Secretary of Agriculture.

[F. R. Doc. 52-7263; Filed, June 30, 1952; 9:32 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 59 to Schedule Al

[Rent Regulation 2, Amdt. 57 to Schedule A)

RR 1-HOUSING

RR 2-ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A-DEFENSE-RENTAL AREAS

NEW MEXICO

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947. as amended, and a determination as to the relaxation of real estate construc-

RULES AND REGULATIONS

tion credit controls under section 204 (m) of said act.

Effective July 1, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 26th day of June 1952.

TIGHE E. WOODS. Director of Rent Stabilization,

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
New Merico (193b) Les County	A	Lea County	Feb. 1,1952	July 1, 1952

[F. R. Doc. 52-7169; Filed, June 30, 1952; 8:56 a. m.]

[Rent Regulation 3, Amdt. 69 to Schedule A] [Rent Regulation 4, Amdt. 13 to Schedule A]

RR 3-HOTELS

RR 4-Motor Courts

SCHEDULE A-DEFENSE-RENTAL AREAS

NEW MEXICO

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective July 1, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so

that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894) Issued this 26th day of June 1952.

Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(193b) Lea County	New Mexico	Les County	Feb. 1,1902	July 1, 1982

(P. R. Doc. 52-7170; Filed, June 30, 1952; 8:56 a. m.]

TITLE 43-PUBLIC LANDS: INTERIOR

Chapter I-Bureau of Land Management, Department of the Interior

Subchapter S-Rights-of-Way

[Circular 1825]

PART 244-RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

SUBPART A-GENERAL REGULATIONS APPLICABLE TO ALL RIGHTS-OF-WAY PROVIDED FOR IN THIS PART

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SUBPART A-GENERAL REGULATIONS APPLI-CABLE TO ALL RIGHTS-OF-WAY PROVIDED FOR IN THIS PART 1

AUTHORITY: \$\$ 244.1 to 244.20 issued under R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201.

DEFINITIONS

§ 244.1 Definitions. As used in 88 244.1 to 244.69:

(a) "Secretary" means the Secretary of the Interior.

(b) "Director" means the Director, Bureau of Land Management.

(c) "Regional Administrator" means regional administrator of the Bureau of Land Management.

(d) "Manager" means manager of the land office for the district in which the lands applied for are situated. For areas not included in a land district, "manager" means the regional administrator for the region of the Bureau of Land Management in which the land is situ-

(e) "Project" means the physical structures in connection with which the right-of-way is approved.

(f) "Construction work" means any and all work, whether of a temporary or permanent nature, done in the construction of the project.

(g) "Superintendent in charge" means the officer of the United States having supervision of the land under authority of the agency having jurisdiction and control over the land involved.

(h) "Reservation lands" includes national parks and monuments, or any other reservations of the United States for the use of or administration by the National Park Service, the Fish and Wildlife Service, the Bureau of Reclamation, or any agency outside the Department of the Interior.

(i) "Right-of-way" includes license, permit, or easement, as the case may be, and, where applicable, includes "site".

1 This part does not apply to the obtaining of rights-of-way by Federal agencies over unreserved, or withdrawn, or reserved public domain lands. Such rights-of-way may be appropriated under the principles of the instructions of January 13, 1916 (44 L. D. 513), with the consent of the agency having jurisdiction or control over the land.

INDIAN LANDS

§ 244.2 Indian lands. The Bureau of Indian Affairs has jurisdiction over applications for rights-of-way over and upon Indian lands. All applications for the use and occupancy of Indian lands for right-of-way purposes should, therefore, be filed with the Superintendent of the Indian Agency or other superintendent in charge of the reservation on which the lands involved are situated, in accordance with the regulations contained in 25 CFR Part 256.

APPLICATIONS 1

§ 244.3 Application. No special form of application is required. The applica-tion should be in typewritten form or legible handwriting. It must specify that it is made pursuant to the regulations in Part 244 and that the applicant agrees that the right-of-way if approved, will be subject to the terms and conditions of the applicable regulations contained in Part 244. It should also cite the act to be invoked and state the primary purpose for which the right-ofway is to be used. The application must be filed in duplicate at the land office for the district in which the land is situated. or if there is no land office, it shall be filed with the Director, Bureau of Land Management, Washington, D. C. If the right-of-way has been utilized without authority prior to the time the application is made, the application must state the date such utilization commenced and by whom, and the date the applicant alleges he obtained control of the improvements.

§ 244.4 Showing as to organization required of corporation. (a) An application by a private corporation must be accompanied by a copy of its charter or articles of incorporation, duly certified by the proper State official of the State where the corporation was organized.

(b) A corporation other than a private corporation should file a copy of the law under which it was formed and due proof of organization under the same.

(c) When a corporation is operating in a State other than that in which it was incorporated, it must submit a certificate of the Secretary of State or other proper official of the State that it has complied with the laws of that State governing foreign corporations to the extent required to entitle the company to operate in such State.

(d) A copy of the resolution or bylaws of the corporation authorizing the filing of the application must also be filled.

(e) If the corporation shall have previously filed with the Bureau the papers required by this section, the requirements shall be held to be met if, in making subsequent applications, specific reference is made to such previous filing by date, place, and case number.

2 In addition to the material contained under this heading, the subpart relating to the particular type of right-of-way involved should be consulted. See Subparts B through L of this part.

* 18 U. S. C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statement or representation as to any matter within its jurisdiction.

§ 244.5 Showing as to citizenship required of individuals; showing by associations of individuals. (a) An individual applicant applying for a right-ofway under any right-of-way act, except the act of March 3, 1891 (26 Stat. 1101; 43 U. S. C. 946 et seq.), and the act of January 13, 1897 (29 Stat. 484; 43 U. S. C. 952-955), as amended, must state whether he is native born or naturalized. and, if naturalized, the date of naturalization, the court in which naturalized, and the number of the certificate, if known. If citizenship is claimed by virtue of naturalization of the father, evidence of his naturalization, and that the applicant resided in the United States thereafter while a minor, should be furnished. Where the husband and the wife are native born and a statement to that effect is made, additional information as to the marital status is not required. In other cases, a married woman or widow must show the date of her marriage; a widow must show, in addition, the date of the death of her husband.

(b) An application by an association, including a partnership, must be accompanied by a certified copy of the articles of association, if any; if there be none, the application must be made over the signature of each member of the association. Each member must furnish evidence of citizenship where it would be required if he were applying individually.

§ 244.6 Documents which must accompany application-(a) Maps. Each application, other than a reservoir declaratory statement under § 244.30, must be accompanied by a map prepared on tracing linen and three or, in the case of electric transmission lines, five print copies thereof, showing the survey of the right-of-way, properly located with respect to the public land surveys so that said right-of-way may be accurately located on the ground by any competent engineer or land surveyor. The map should comply with the following requirements:

(1) The scale should be 2,000 feet to the inch for rights-of-way for such structures as canals, ditches, pipe lines, and transmission lines and 1,000 feet to the inch for rights-of-way for reservoirs. except where a larger scale is required to represent properly the details of the proposed developments, in which case the scales should be 1,000 feet to the inch and 500 feet to the inch, respectively.

(2) Courses and distances of the center line of the right-of-way or traverse line of the reservoir should be given; the courses referred to the true meridian either by deflection from a line of known bearing or by independent observation. and the distances in feet and decimals thereof. Station numbers with plus distances at deflection points on the traverse line should be shown.

(3) The initial and terminal points of the survey should be accurately connected by course and distance to the nearest corner of the public-land surveys, unless that corner is more than 6 miles distant, in which case the connection will be made to some prominent natural object or permanent monument, which can be readily recognized and recovered. The station number and plus distance to the point of intersection with a line of the public-land surveys should be ascertained and noted, together with the course and distance along the section line to the nearest existing corner, at a sufficient number of points throughout the township to permit accurate platting of the relative position of the right-of-way to the public-land survey.

(4) If the right-of-way is across or within reservation lands which are not covered by the public-land surveys, the map shall be made in terms of the boundary survey of the reservation to the extent it would be required above to be made in terms of the public-land

surveys.

(5) All subdivisions of the public-land surveys within the limits of the survey should be shown in their entirety, based upon the official subsisting plats, with the subdivisions, section, township, and

range clearly marked.

(6) The width of the canal, ditch, or lateral at high-water line should be given and the width of all other rights-of-way shall be given. If the width is not uniform, the location and amount of the change in width must be definitely shown. In the case of a pipeline, the diameter of the line should be given. For reservoirs, the capacity in acre-feet, the area within the high-water line, the source of the water supply, and the location and height of the dam must be shown. The total distance of the right-of-way on the Federal lands shall be stated. In the case of a reservoir or other site, the total acreage shall be stated.

(7) Each copy of the map should bear upon its face a statement of the engineer who made the survey and the certificate of the applicant. The statement and certificate referred to are embodied in Forms 1 and 2, which are made a part hereof and which should be modified so as to be appropriate to the act invoked

and the nature of the project.*

(8) Whenever it is found that a publicland survey monument or reservation boundary monument will be destroyed or rendered inaccessible by reason of the proposed development, at least two permanent marked witness monuments should be established at suitable points, preferably on the surveyed lines. A brief description of the witness monuments and the connecting courses and distances to the original corners should be shown.

(b) Evidence of water right. If the project involves the storage, diversion, or conveyance of water, the applicant must file a statement of the proper State official, or other evidence, showing that he has a right to the use of the water.

GENERAL PROVISIONS

§ 244.7 Nature of the interest granted; settlement on right-of-way. (a) No interest granted by the regulations in this part shall give the holder thereof

*See appendix for form to be placed on maps. any estate of any kind in fee in the lands. The interest granted shall consist of an easement, license, or permit in accordance with the terms of the applicable statute: no interest shall be greater than a permit revocable at the discretion of the regional administrator unless the applicable statute provides otherwise. Unless a specific statute or regulation provides otherwise, no interest granted shall give the grantee any right whatever to take from the public lands or reservations any material, earth, or stone for construction or other purpose, but stone and earth necessarily removed from the right-of-way in the construction of a project may be used elsewhere along the same right-of-way in the construction of the same project.

(b) All persons entering or otherwise appropriating a tract of public land, to part of which a right-of-way has attached under the regulations in this part, take the land subject to such right-of-way and without deduction of the area included in the right-of-way.

§ 244.8 Commencement of construction work in advance of approval of right-of-way; trespass. (a) Permission to commence construction work over and through lands under the jurisdiction of the Department of the Interior or of its agencies in advance of the approval of a right-of-way may be granted by the manager upon a satisfactory showing of the necessity for such action and upon a determination, after the request for permission has been cleared by all interested agencies of the Department, that such action is compatible with the public interest. Requests for such advance authority need not meet the formal requirements of §§ 244.3-244.5 and may be filed with the agency having supervision of the land involved, in which case a duplicate request must be filed in the office specified in § 244.3.

(b) Any grant of advance permission is solely for the convenience of the applicant and is not a commitment by the Department that a right-of-way will be approved. The Department's authority in acting on a right-of-way application is not restricted in any way by the grant of advance permission or any requirements laid down in such grant of permission and the Department, without limitation, may impose additional or different requirements as conditions precedent to the approval of the right-of-way. A grant of advance permission is revat will, and the grantee assumes all the

risk of operating under such permission.

(c) Any occupancy or use of the lands of the United States without authority will subject the person occupying or using the land to prosecution and liability for trespass.

§ 244.9 Terms and conditions. An applicant, by accepting a right-of-way, agrees and consents to comply with and be bound by the following terms and conditions, excepting those which the Secretary may waive in a particular case:

(a) To comply with existing and future regulations and State and Federal laws applicable to the project for which the right-of-way is approved, and to the lands which are included in the right-ofway. (b) To clear and keep clear the lands within the right-of-way to the extent and in the manner directed by the super-intendent in charge; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project in such manner as to decrease the fire hazard and also in accordance with such instructions as the superintendent in charge may specify.

(c) To take such soil and resource conservation and protection measures, including weed control, on the land covered by the right-of-way as the superintendent in charge of such lands may

request.

(d) To do everything reasonably within his power, both independently and on request of any duly authorized representative of the United States, to prevent and suppress fires on or near the lands to be occupied under the right-ofway, including making available such construction and maintenance forces as may be reasonably obtainable for the suppression of such fires.

(e) To build and repair such roads, fences, and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-

way.

(f) To pay the United States the full value for all damage to the lands or other property of the United States caused by him or by his employees, contractors, or employees of the contractors, and to indemnify the United States against any liability for damages to life, person, or property arising from the occupancy or use of the lands under the right-of-way.

(g) To notify promptly the superintendent in charge of the amount of merchantable timber, if any, which will be cut, removed, or destroyed in the construction and maintenance of the project, and to pay the United States through such superintendent in advance of construction such sum of money as such superintendent may determine to be the full stumpage value of the timber to be so cut, removed, or destroyed.

(h) To comply with such other specified conditions with respect to the occupancy and use of the lands as may be found by the agency having supervision of the lands to be necessary as a condition to the approval of the right-of-way in order to render its use compatible with

the public interest.

(i) That upon revocation or termination of the right-of-way, unless the requirement is walved in writing, he shall, so far as it is reasonably possible to do so, restore the land to its original condition to the entire satisfaction of the superintendent in charge.

(j) That he shall at all times keep the manager informed of his address, and, in case of corporations, of the address of its principal place of business and of the names and addresses of its

principal officers.

(k) That in the construction, operation, and maintenance of the project, he shall not discriminate against any employee or applicant for employment because of race, creed, color, or national

^{*}In addition to the material contained under this heading, the subpart relating to the particular type of right-of-way involved should be consulted. See Subparts B through L of this part,

origin and shall require an identical provision to be included in all subcontracts.

(1) That the allowance of the rightof-way shall be subject to the express condition that the exercise thereof will not interfere in any way with the management, administration, or disposal by the United States of the lands affected thereby, and that he agrees and consents to the occupancy and use by the United States, its grantees, permitees, or lessees of any part of the right-of-way not actually occupied by the project, for necessary operations incident to such management, administration, or disposal.

(m) That there are reserved rightsof-way for reservoirs, dams, and other works which may thereafter be constructed for the development of hydroelectric power or irrigation, under authority of the United States, and that the use of the right-of-way for the purpose authorized shall be discontinued without liability or expense to the United States when found by the Secretary to be in conflict with such power or irriga-

tion works.

(n) That there is reserved for the use of the United States pursuant to the provisions of the act of August 1, 1946 (60 Stat. 755; 42 U. S. C. 1801 et seq.), all uranium, thorium, or other materials which have been or may hereafter be determined by the Atomic Energy Commission to be peculiarly essential to the production of fissionable materials contained in whatever concentration in the lands covered by the right-of-way, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.

§ 244.10 Proposed or existing national Whenever a right-of-way is sought through or in national forest lands, or any area withdrawn for inclusion within a national forest, the applicant must enter into such stipulations and execute such bond as the Forest Service may require for the protection of such existing or proposed national

§ 244.11 National parks and monuments. (a) The act of March 3, 1921 (41 Stat. 1353, 16 U. S. C. 797), provides that no right-of-way for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utdization of power within the limits as then constituted of any national park or monument, shall be approved without specific authority of Congress.

(b) Whenever a right-of-way is desired through any national park or monument for purposes other than those excepted by the act of March 3, 1921, or not otherwise expressly prohibited by law, the applicant must show to the satisfaction of the Director, National Park Service, that the location and use of the right-of-way for the purposes contemplated will not interfere with the uses and purposes for which the park or monument was originally dedicated, and will

not result in damage or injury to the

natural conditions of property or scenery existing therein. The applicant must also file such stipulations and bond as may be required by the Director, National Park Service, Ordinarily, such a right-of-way may be allowed only on a showing of absolute necessity.

§ 242,12 Oregon and California Railroad and Coos Bay Wagon Road grant lands. All applications for rights-ofway for the construction and operation of any project over Oregon and California Railroad lands, title to which was revested in the United States by the act of June 9, 1916 (39 Stat. 218), and reconveyed Coos Bay Wagon Road lands, act of February 26, 1919 (40 Stat. 1179). must also be accompanied by a statement showing the amount of merchantable timber, if any, to be cut, removed, or destroyed in the construction of the project works, and agreeing to deposit with the regional administrator, in advance of construction, such sum of money as may be determined by him to be the full stumpage value of the timber to be so cut, removed, or destroyed, and an affirmative showing that favorable action on the application will not adversely affect or impair watershed protection, streamflow regulation, and other conservation features enumerated in the act of August 28, 1937 (50 Stat. 874).

§ 244.13 Alaska. All general right-ofway laws, and the regulations thereunder contained in this part, are applicable to Alaska.

§ 244.14 Approval of right-of-way.
(a) Where an application is complete and in conformity with the law and regulations and all required reports have been obtained and it is determined that the approval of the right-of-way will not be contrary to the public interest, including that of the Government, the manager will approve the right-of-way.

(b) An application which does not conform with the law or regulations under which filed or the approval of which would be inconsistent with the public or Government interest, will be rejected.

Use of right-of-way-Proof of construction. A period of 5 years from the date of the approval of the right-of-way is usually allowed for construction unless a different period is provided by statute. Upon completion of construction, proof thereof should be submitted to the manager, consisting of a statement and certificate furnished by the holder of the right-of-way. The statement and certificate are embodied in Forms 5 and 6, which should be modified so as to be appropriate to the act and to the nature of the project." If, in construction, a substantial deviation from the location shown on the original

quishment of the unused portion of the right-of-way accompanied by a map of amended location of the right-of-way for the project as actually constructed. The map of amended location must be prepared in accordance with § 244.6 (a) and must be filed before or as soon as possible after the deviation is made. The relinquishment may be prepared so as to become effective upon approval of the amended location. Any deviation made prior to such approval will be at the risk of the applicant.

map is planned or made, the party in

interest must file a duly executed relin-

(b) Nonconstruction, abandonment, or nonuse. Unless otherwise provided by law, rights-of-way are subject to cancellation by the Director for failure to construct within the period allowed and

for abandonment or nonuse.

§ 244.16 Revocation for violation of regulations or terms or conditions. rights-of-way approved pursuant to this part, except those granted for pipe lines pursuant to section 28 of the act of February 25, 1920, as amended August 21, 1935 (49 Stat. 678; 30 U. S. C. 185), shall be subject to cancellation by the Director for the violation of any of the provisions of this part applicable thereto or for the violation of the terms or conditions of the right-of-way. No right-of-way shall be deemed to be canceled except on the issuance by the Director of a specific order of cancellation.

§ 244.17 Change in jurisdiction over or disposal of lands. (a) A change of jurisdiction over the lands from one Federal agency to another will not cancel a right-of-way involving such lands. It will, however, change the administrative jurisdiction over the right-of-way.

(b) The final disposal by the United States of any tract traversed by a rightof-way shall not be construed to be a revocation of the right-of-way in whole or part, but such final disposition shall be deemed and taken to be subject to such right-of-way until it is specifically canceled.

§ 244.18 Transfer of right-of-way. Any proposed transfer, by assignment, lease, operating agreement or otherwise, of a right-of-way acquired under any of the acts, except the act of March 3, 1891 (26 Stat. 1101; 43 U.S. C. 946-949), must be filed in triplicate in accordance with § 244.3 for approval; must be accompanied by the same showing of qualifications of the assignee as is required of applicants; and must be supported by a stipulation that the assignee agrees to comply with and be bound by the terms and conditions of the right-of-way. No assignment will be recognized unless and until approved.

§ 244.19 Disposal of property on termination of right-of-way. Upon the termination of a right-of-way by expiration or by prior cancellation, in the absence of any agreement to the contrary. if all moneys due the Government there under have been paid, the holder of the right-of-way will be allowed six months or such additional time as may be granted in which to remove from the right-of-way all property or improvements of any kind, other than a road and

See sec. 3 of the act of August 24, 1912 (37 Stat. 512; 48 U. S. C. 23), and 30 Op. Atty. Gen. 307 (1915).

[&]quot;The general right-of-way statutes were extended to these lands by sec. 2 of the act of June 9, 1916 (39 Stat. 218), and sec. 3 of the act of February 26, 1919 (40 Stat. 1179).

Where the land over which the right-of-way is sought is withdrawn or reserved for the use of another Federal agency, the manager is required to clear the application with such agency.

^{*}See appendix for forms,

usable improvements to a road, placed thereon by him; but if not removed within the time allowed, all such property and improvements shall become the property of the United States.

§ 244.20 Appeals. An appeal pursuant to the rules of practice (43 CFR Part 221) may be taken from any decision of the manager to the Director, and from the Director to the Secretary.

RENTAL CHARGES

§ 244.21 Payment required; exceptions; default; revision of charges. (a) Unless a higher rate is prescribed in the approval of the right-of-way, the charge for use and occupancy of public and reservation lands for rights-of-way for telephone, telegraph, and power transmission lines, water-pipe lines, ditches or canals under the act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959); telephone, telegraph, and power transmission lines under the act of March 4, 1911 (36 Stat. 1253: 43 U. S. C. 961): tramroads under the act of January 21, 1895 (28 Stat. 635; 43 U. S. C. 956); oil and gas pipe lines under section 28 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 449), as amended August 21, 1935 (49 Stat. 678; 30 U. S. C. 185); and water-pipe lines, ditches, flumes, tunnels, or canals under section 4 of the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 524), shall be at the rate of five dollars (\$5) per mile or fraction thereof per calendar year or fraction thereof for rights-of-way not over 100 feet in width and one dollar (\$1) per mile or fraction thereof for each additional 20 feet or fraction thereof in width.

(b) The charge for use and occupancy of public and reservation lands for reservoirs, dams, water plant and powerplant sites, well sites, and similar purposes under the act of February 15, 1901; sites for pumping stations or other structures authorized under section 28 of the Mineral Leasing Act, as amended; and dams, reservoirs, and water-plant sites under section 4 of the act of February 1, 1905, shall be based on the value of the land and the use to which it is to be put, but in no case will the minimum charge be less than five dollars (\$5) per calendar year or fraction there of. The charge for micro wave relay and communication sites other than radio and television broadcast sites shall be based upon the value of the land, but in no case will the annual charge be less than fifty dollars (\$50) per site. The charge for radio and television broadcast sites shall be based on the value of the land but in no case will the annual charge be less than the following:

Stations not over:

Fittions wos over.	Company of the last of
1,000 watts input power	875.00
2,500 watts input power	100.00
5.000 watts input power	200,00
	250.00
	300.00
	450.00

(c) No rental charge will be required for the use and occupancy of public or reservation lands under a right-of-way authorizing such use and occupancy exclusively for irrigation projects, municipally operated projects, non-profit or

REA cooperative projects, or when the use is by a Government agency.

(d) (1) There shall be remitted with the application the amount provided as the rental for a calendar year or fraction thereof.

(2) Where the application is for a reservoir, dam, well, or plant sites, etc., the sum of five dollars (\$5), the minimum charge specified for such cases, shall be remitted with the application.

(e) The holder of the right-of-way thereafter shall pay, on or before the first day of each calendar year, the rental charges for that calendar year in accordance with paragraphs (a) and (b) of this section. If the rental charge is not paid when due, and such default shall continue for thirty days after the first day of January, action may be taken to cancel the right-of-way. After default has occurred, no structures, buildings, or other equipment may be removed from the right-of-way except upon written permission first obtained from the regional administrator.

(f) At any time not less than five years after either the approval of the right-ofway or the last revision of rental charges thereunder, the regional administrator may review such charges and impose such new charges as he may decide to be reasonable and proper commencing with the ensuing calendar year.

(g) The provisions of this section shall not have the effect of changing, modifying, or amending the rental rates or charges imposed for existing water power projects under rights-of-way previously approved by this Department, (31 Stat. 790, 36 Stat. 1253, 28 Stat. 635, Sec. 4, 33 Stat. 628, Sec. 28, 49 Stat. 678; 43 U. S. C. 959, 961, 956, 16 U. S. C. 524, 30 U. S. C. 185)

SUBPART B-RIGHTS-OF-WAY THROUGH PUBLIC LANDS AND RESERVATIONS FOR CANALS, DITCHES, AND RESERVOIRS UNDER THE ACT OF MARCH 3, 1891, AS AMENDED 18 11

AUTHORITY: \$\$ 244.22 to 244.28 issued under R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201.

§ 244.22 Statutory authority. (a) Section 18 of the act of March 3, 1891 (26 Stat. 1101), as amended by the acts of March 4, 1917 (39 Stat. 1197), and May 28, 1926 (44 Stat. 668; 43 U. S. C. 946) authorizes the Secretary to grant rights-of-way for irrigation and drainage purposes over public lands and reservation to the extent of the ground occupied by the water of any reservoirs and any canals and laterals and 50 feet on each side of the marginal limits thereof and such additional right-of-way as may be deemed necessary for the proper operation and maintenance of said reservoirs, canals, and laterals.

(b) Section 19 of the act of March 3, 1891 (26 Stat. 1102; 43 U.S. C. 947), provides that a map of the canal or ditch and reservoir must be filed within twelve

See Solicitor's opinion of July 16, 1942 (58 L. D. 29) for a discussion of the applicability of various acts relating to rights-of-way for canala, ditches, and reservoirs.
In addition to the material under this

In addition to the material under this heading, the general regulations under Subpart A of this part should be consulted.

months after the location of ten miles of a canal if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States; that upon the approval thereof by the Secretary, the same shall be noted upon the records and thereafter all lands affected by such right-of-way shall be disposed of subject to such right-of-way.

(c) Section 20 of the act of March 3, 1891 (26 Stat. 1102; 43 U. S. C. 948), provides that this act shall apply to all canals, ditches, or reservoirs theretofore or thereafter constructed, whether by corporations, individuals, or association of individuals, on the filing of the certificates and maps as therein provided; that if any section of the project is not completed within 5 years after location, the right-of-way shall be forfeited as to the uncompleted canal, ditch, or reservoir, to the extent that the same is not completed at the date of forfeiture.

(d) Section 21 of the act of March 3, 1891 (26 Stat. 1102; 43 U. S. C. 949), provides that nothing in this act shall authorize the occupancy of such right-of-way except for the purpose for which it was approved, and then only so far as may be necessary for the construction, maintenance, and care of the project.

§ 244.23 Pipelines, flumes, and conduits included; use of materials on adjacent lands. (a) The act of March 3, 1891, as amended, is applicable to rights-of-way for pipelines, flumes, or other conduits, although they are not specifically mentioned in the act, if water is conveyed primarily for irrigation or drainage purposes.

(b) Material on adjacent lands: The word "adjacent", as used in section 18 of the act, in connection with the right to take material for construction from the public lands, must be construed according to the conditions of each case (28 L. D. 439). The right extends only to construction, and no public timber or material may be taken or used for repair or improvements (14 L. D. 566). These decisions were rendered under the Railroad Right-of-Way Act of March 3, 1875 (18 Stat. 482; 43 U. S. C. 934), and are applied to the act of March 3, 1891, since the wording with respect to the use of material is the same.

§ 244.24 Use subsidiary to main purpose of irrigation. Section 2 of the act of May 11, 1898 (30 Stat. 404; 43 U. S. C. 951), authorizes the use of rights-of-way approved under the act of March 3, 1891, for purposes subsidiary to the main purpose of irrigation.

§ 244.25 Caretaker's building sites. The act of March 1, 1921 (41 Stat. 1194; 43 U. S. C. 950), authorizes the Secretary, except as to lands within national forests, to grant permits or easements for not to exceed 5 acres of ground adjoining the right-of-way at each of the locations, to be determined by the Secretary, to be used for the erection thereon of dwellings or other buildings or corrals for the convenience of those engaged in the care and management of the works provided for by the act of March 3, 1891, as amended.

\$244.26 Showing required for additional right-of-way. The act of May 28, 1926 (44 Stat. 668; 43 U. S. C. 946). amended section 18 of the act of March 3, 1891, so as to authorize, if needed, a right-of-way additional to the 50 feet allowed by the section for operation and maintenance of reservoirs, canals. ditches, and laterals. To obtain such additional right-of-way, an explanatory showing must accompany the application. This should consist of a statement by the applicant's engineer or surveyor setting forth succinctly the extent of the additional right-of-way required and the necessity therefor. The additional right-of-way should also be shown graphically by lateral limit lines on the map filed in connection with the application. If additional right-of-way is wanted only for portions or sections of the reservoirs, canals, ditches, or laterals, the termini thereof should be fixed by engineer's survey stations in addition to the lateral limit lines.

§ 244.27 Procedure when unsurveyed land is involved. (a) Maps filed under the said act, as amended, showing canals, ditches, laterals, and reservoirs lying partly upon unsurveyed land can be approved if the application and accompanying maps conform to these regulations, but the approval will only relate to that portion of the right-of-way traversing the surveyed land.²²

(b) Maps showing canals, ditches, laterals, and reservoirs lying wholly on unsurveyed lands may be received and placed on file in the Bureau of Land Management and the proper land office for general information. The date of filing will be noted thereon; but the maps will not be approved as the act makes no provision for the approval of any but maps showing locations on surveyed lands. The filing of such maps will not dispense with the filing of maps after the survey of the lands and within the time specified in the act, and if the maps are regular in all respects they will receive the manager's approval.

§ 244.28 Segregated reservoir sites. The act of February 26, 1897 (29 Stat. 599; 43 U. S. C. 664), permits the approval of applications under the act of March 3, 1891, for rights-of-way upon reservoir sites reserved under authority of the act of October 2, 1888 (25 Stat. 526; 43 U. S. C. 662), and August 30, 1890 (26 Stat. 371, 391; 43 U. S. C. 662).

SUBPART C-RESERVATION OF PUBLIC LANDS FOR RESERVOIRS FOR WATERING LIVESTOCK 13

AUTHORITY: \$\$ 244.29 to 244.37 issued under 29 Stat. 484, 42 Stat. 1437; 43 U. S. C. 952-955.

¹³ By letter of August 21, 1937, approved by the Department in the case of the Twin Lakes Reservoir and Canal Company (Denver 045465), it was held that a right-of-way may be acquired under the 1891 act, by actual construction of a project in advance of the filing of an application and approval of the right-of-way over unsurveyed lands, upon the same principle applied to railroads under the act of March 3, 1875 (18 Stat. 482; 43 U.S. C. 934-939).

¹³ In addition to the material under this heading, the general regulations under Subpart A of this part should be consulted,

§ 244.29 Statutory authority. By the act of January 13, 1897 (29 Stat. 484; 43 U. S. C. 952-955), it is provided that any person, livestock company, or transportation corporation engaged in breeding, grazing, driving, or transporting livestock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such livestock, and shall have control of such reservoir, under regulations prescribed by the Secretary of the Interior, and the lands upon which the same is constructed, not exceeding 160 acres, so long as such reservoir is maintained and water kept therein for such purpose. The act does not apply to lands in grazing districts, and applications for stock-watering reservoirs on such lands should be filed under section 4 of the Taylor Grazing Act (48 Stat. 1271; 43 U. S. C. sec. 315c) and 43 CFR Part 161.

(b) Section 1 of the act of January 13, 1897, as amended by the act of March 3, 1923 (42 Stat. 1437; 43 U. S. C. 952), authorizes the Secretary of the Interior, in his discretion, under such rules, regulations, and conditions as he may prescribe, upon application by such person, company, or corporation, to grant permission to fence reservoirs constructed under the act of January 13, 1897, in order to protect livestock, to conserve water, and to preserve its quality and conditions, provided, that such reservoir shall be kept open to the free use of any persons desiring to water animals of any kind.

§ 244.30 Declaratory statement. To apply for a reservoir site under §§ 244.29 to 244.38, the applicant must file with the manager a declaratory statement drawn in accordance with Form 7.1 No other application is necessary.

§ 244.31 Action on declaratory statements; size, location, and number of reservoir sites. For the filing of the reservoir declaratory statement a fee of \$1 will be charged (R. S. 2238; 43 U. S. C. 82). In acting upon these statements the following general rules will be applied:

(a) No reservation will be made for a reservoir of less than 250,000 gallons capacity, and for a reservoir of less than 500,000 gallons capacity, not more than 40 acres can be reserved. For a reservoir of 500,000 gallons and less than 1,000,000 gallons capacity, not more than 80 acres can be reserved. For reservoir of 1,000,000 gallons and less than 1,500,000 gallons capacity, not more than 120 acres can be reserved. For a reservoir of 1,500,000 gallons capacity or more, 160 acres may be reserved. In the case where the water is furnished the livestock by artificial means, such as by windmill, pump, tanks, and troughs, the regulations requiring a minimum capacity of 250,000 gallons may be waived upon the claimant's submitting 'a satisfactory showing that by such artificial means he will be able to furnish sufficient water and provide proper troughs and facilities to properly accommodate all cattle likely to water at the place in question.

(b) Not more than 160 acres shall be reserved for this purpose in any section.

(c) Not more than 160 acres shall be reserved for this purpose in one group of tracts adjoining or cornering upon each other.

(d) A distance of one-half mile must be left between any two groups of tracts which aggregate more than 160 acres.

(e) Lands so reserved shall be kept open to the free use of any person desiring to water animals of any kind. If the lands so reserved are not kept open to the free use of any person desiring to water animals of any kind, or if the reservoir applicant attempts to use them for any other purpose, or if the reservation is not obtained for the bona fide and exclusive purpose of constructing and maintaining a reservoir thereon according to law, the declaratory statement, upon any such matter being made to appear, will be canceled and all rights thereunder be declared at an end.

(f) Notwithstanding his action in accepting any such declaratory statement, the manager will reject the same if upon considering the matters set forth therein it appears that the declaratory statement is not filed in good faith for the sole purpose of accomplishing what the law authorizes to be done.

§ 244.32 Time for construction. The reservoir must be constructed and completed within 2 years after the filing of the declaratory statement; otherwise the right-of-way will be subject to cancellation.

§ 244.33 Map of constructed reservoir. After the construction and completion of the reservoir the applicant shall have the same accurately surveyed and mapped showing its location with relation to the public land surveys. The map must be prepared in accordance with the requirements of § 244.6 and be filed with the manager and must bear Forms 8 and 9.19

\$ 244.34 Approval of constructed project. The map and papers will be examined to determine whether they comply with the law and the regulations, and whether the amount of land desired is warranted by the showing made in the application. If found satisfactory, they will be approved, and the lands shown to be necessary for the proper use and enjoyment of the reservoir will be reserved from other disposition so long as the reservoir is maintained and water kept therein for the purposes named in the act. When such reservation is made the manager will make the proper notations on his records and report the making thereof promptly to the Director.

§ 244.35 Annual proof of maintenance. In order that this reservation shall be continued, it is necessary that the reservoir "shall be kept in repair and water kept therein." For this reason the owner of the reservoir will be required, during the month of January of each year, to file with the manager a statement to the effect that the reservoir has been kept in repair and water kept therein during the preceding year, and that all the provisions of the act have

³⁴ See appendix for forms.

¹⁵ See appendix for forms.

been complied with. Form 10 " will be used for this statement. Upon failure to file such statement, steps will be taken looking to the revocation of the reservation of the lands.

§ 244.36 Procedure when unsurveyed land is involved. (a) In any case where the proposed reservoir is to be located upon unsurveyed public land, the declaratory statement may be filed, the land being therein described by metes and bounds and, as well, by the description which it is believed it will bare when officially surveyed. Proof of construction must be submitted at the end of the same period of time and in the same manner as is prescribed and required in cases where the lands have been previously surveyed. Such proof should embrace the field notes and a plat of survey such as is required in cases of reservoirs on surveyed lands, with such modifications as are necessary (\$ 244.33).

(b) Any reservation made pursuant to the act of Jauary 13, 1897, secures only a license to use and occupy the reserved land with and for a reservoir, and this license may endure permanently or may be of transient duration. No estate in the land is granted. For this reason it is administratively undesirable that private surveys made pursuant to the stat-ute and §§ 244.29 to 244.38 shall be preserved and established by subsequent public-land surveys and approved plats thereof. Therefore, when the publicland surveys have been extended over land covered by a reservoir declaratory statement affecting unsurveyed lands, the declarant shall adjust his survey to the line of the official survey, showing the location of the reservoir with respect to said lines by means of properly established tie lines. Any subsequent reservation which may be ordered will be of those subdivisions or aliquot parts of subdivisions thus shown to be occupied by or necessary for the proper use of the reservoir.

(c) An annual statement of maintenance must be submitted the same as though the reservoir had been constructed on surveyed lands. Nothing in §§ 244.29 to 244.38 shall preclude the Bureau of Land Management from requiring additional information in any case where that information is deemed proper or necessary.

§ 244.37 Application to fence reservoir: plat required. Any person, company, or corporation desiring to secure the benefits of the act of March 3, 1923, should file in accordance with § 244.3 an application, duly corroborated by at least two disinterested witnesses, setting forth such facts as would show that it is necessary to fence such reservoir in order to protect the livestock, to conserve water, and to preserve its quality and conditions. There should be filed with such application, and as a part thereof, a plat showing the land embraced in the reservoir as near as may be, the location of the proposed fence with respect to such reservoir, together with all gates or other openings and roadways leading to the same. In no instance will an application be considered unless said plat

"In addition to the material under this heading, the general regulations under Subpart A of this part should be consulted.

shows the location of at least two gates. Said gates shall be so constructed and maintained that they may be, at all times, readily opened and closed by any person desiring to water animals of any kind, and such gates shall be so placed as to be readily accessible from the road or roads nearest the reservoir, which roads shall be the ones usually traveled and, where there are no such roads to govern the location of such gates, they shall be so situated as to make the reservoir readily available from the adjacent public or other range. There shall be posted on the gates, and elsewhere if necessary, a notice stating that the reservoir is for stock-watering purposes, located on public lands, and that the same is open to the free use of any person desiring to water animals of any kind.

SUBPART D—RIGHTS-OF-WAY THROUGH
PUBLIC LANDS AND RESERVATIONS FOR
TELEPHONE AND TELEGRAPH LINES,
TRANSMISSION LINES, RADIO AND TELEVISION SITES, AND FOR PIPE LINES,
CANALS, DITCHES, AND WATER PLANTS
UNDER THE ACTS OF FEBRUARY 15, 1901
AND MARCH 4, 1911

AUTHORITY: §§ 244.39 to 244.47 issued under 31 Stat. 790, 36 Stat. 1253; 43 U. S. C. 959, 961.

§ 244.39 Statutory authority. (a) The act of February 15, 1901 (31 Stat. 790: 43 U. S. C. 959), authorizes the Secretary, under such regulations as he may fix, to permit the use of rights-of-way through public lands and certain reservations of the United States, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for pipe lines, canals, ditches, water plants, and other pur-poses to the extent of the ground occuby such canals, ditches, water plants, or other works permitted thereunder and not to exceed 50 feet on each side of the marginal limits thereof, or not to exceed 50 feet on each side of the' center line of such pipe lines, telephone and telegraph lines, and transmission lines, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under the act.

(b) The act of March 4, 1911 (36 Stat. 1253; 43 U. S. C. 961), as amended, authorizes the head of the department having jurisdiction over the lands, under

general regulations fixed by him, to grant an easement for rights-of-way for a period not exceeding 50 years, over and across public lands and reservations of the United States, for poles and lines for the transmission and distribution of electrical power, and for poles and lines for communication purposes and for

electrical power, and for poles and lines for communication purposes and for radio, television and other forms of communication transmitting, relay and receiving structures and facilities to the extent of 200 feet on each side of the center line of such lines and poles and not to exceed four hundred feet by four

center line of such lines and poles and not to exceed four hundred feet by four hundred feet for superstructures and facilities to any citizen, association, or corporation of the United States, where

it is intended by such to exercise the use permitted under the act.10

(c) The applicability of the acts of February 15, 1901, and March 4, 1911, to rights-of-way for power purposes over public lands, was superseded by the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by sections 201 to 213 inclusive, of the act of August 26, 1935 (49 Stat. 838; 16 U. S. C. 791-825r), as to power projects for the generation and transmission of hydroelectric power, defined in section 3 (11) of the act, excepting distribution lines. Applications for hydroelectric power plant sites or rights-of-way for main or primary hydroelectric power transmission lines must be made to the Federal Power Commission. Washington, D. C., under the act of June 10, 1920, as amended. Rightsof-way for transmission lines which are not primary lines must be secured under the act of February 15, 1901, or the act of March 4, 1911. See 18 CFR 2.2.

§ 244.40 Applications for lands in national forests, and other reservations.

(a) Applications under the act of February 15, 1901. For rights-of-way across national forests should be prepared in accordance with the regulations issued by the Department of Agriculture and submitted to the proper officer thereof. In case a right-of-way is desired upon public lands partly within and partly without a national forest, separate applications must be prepared, and the one affecting lands within the national forest filed with the forest officer, and the other filed in accordance with § 244.3.

(b) Applications for a right-of-way under the act of March 4, 1911, involving lands under the control of a department or agency other than the Department of the Interior should be prepared in accordance with the regulations issued by such department or agency and submitted to the proper officer thereof.²⁰

§ 244.41 Applications which may be submitted under the acts of February 15, 1901, and March 4, 1911. (a) All applications for rights-of-way for purposes specified in the act of February 15, 1901, must be submitted thereunder, except that where it is sought to acquire a right-of-way for the main purpose of irrigation, as contemplated by sections 18 to 21 of the act of March 3, 1891 (26 Stat. 1101; 43 U, S. C. 946-949), and section 2 of the act of May 11, 1898 (30 Stat. 404; 43 U, S. C. 951), the application must be submitted under the 1891 and 1898 acts, in accordance with the applicable regulations in this part.

(b) An application may be filed under the act of February 15, 1901, for a stockwatering reservoir site. Rights-of-way will not be approved for stock-watering reservoirs on wildlife refuges. An application under the act for a "water plant" site or for a pipeline right-of-

The opinion of the Solicitor of the Department of the Interior of November 1, 1940 (M. 30846), held that lands acquired by the United States, by purchase or otherwise, were reservation lands within the meaning of the acts of February 15, 1901, and March 4, 1911.

^{4, 1911.}See section 1 of the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472).

See 29 Op. Atty. Gen. 303.

¹⁶ See appendix for forms.

way may include an area for a well to supply the water; but if, because the lands affected are within a grazing district established under the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315 et seq.), as amended, or for any other reason, the granting of a right-of-way for a stock-watering reservoir site, or for a water plant site or for a pipeline would adversely affect the interest of the Government, the application therefor will not be allowed. If the lands affected are within a grazing district, an application for a stockwatering reservoir or water well site should be filed under section 4 of said act of June 28, 1934, if the applicant is qualified under the section and if the reservoir or well is necessary to the care and management of the permitted livestock and primarily for that purpose. Regulations under the said section 4 are contained in 43 CFR 161.14.

(c) Applications for rights-of-way for telephone, telegraph, and power transmission lines may also be submitted under either the act of February 15, 1901, or the act of March 4, 1911, in accordance with the applicable regulations contained in this part. Applications for radio, television and other forms of communication transmitting, relay and receiving structures and facilities should be submitted under the act of March 4, 1911, as amended.

(d) Any application under the act of March 4, 1911 for a line right-of-way in excess of 100 feet in width or for a structure or facility right-of-way of over 10,000 square feet must state the reasons why the larger right-of-way is required. Rights-of-way will not be issued in excess of such sizes in the absence of a satisfactory showing of the need there-

§ 244.42 Plant sites; buildings to be platted on maps. (a) When an application is made for a right-of-way for a site for a water plant or for a communication structure or facility, the location and extent of ground proposed to be occupied by buildings or other structures necessary to be used in connection therewith must be clearly designated on the map and described on Forms 3 and 4 " by reference to course and distance from a corner of the public survey. In addition to being shown in connection with the main drawing, the buildings or other structures must be platted on the map in a separate drawing on a scale sufficiently large to show clearly their dimensions and relative positions. When two or more such proposed structures are to be located near each other, it will be sufficlent to give the reference to a corner of the public survey for one of them, provided all the others are connected therewith by course and distance shown on the The application must also state the proposed use of each structure, and must show definitely that each one is necessary for a proper use of the rightof-way for the purpose contemplated in the act of February 15, 1901. If the right-of-way is within reservation lands which are not covered by the public land surveys, the map shall be made in terms of the boundary survey of the reservation

to the extent it would be required above to be made in terms of the public land

(b) If the application is for a power plant site it must also contain a statement giving a description of the proposed power plant including the number and capacity of prime movers and generators proposed to be installed, initially and ultimately, together with similar pertinent information about any substations included in the project and whether the power plant is to be interconnected with other generating facilities owned by the applicant or others; and whether the power generated is to be sold to others at wholesale or retail or used by the applicant for its own domestic, agricultural, or industrial purposes.

§ 244.43 Transmission lines. When an application is made for a right-ofway for a transmission line, it must also contain the following:

(a) A description of the plant or connecting generating plants which generate or will generate the power to be transmitted over such line, such description to be in sufficient detail to show, to the satisfaction of the Director, the character, capacity, and location of such

(b) A description of the transmission line of which the line for which a rightof-way is requested forms a part, giving in reasonable detail the points between which it will extend, its characteristics and purpose. There must also be included a statement as to the voltage for which the line is designed and at which it is to be operated initially, and a statement as to whether it is to serve a single customer, or a number of customers, or is intended to transmit power solely for the applicant's use. If the line is to serve a single customer or is for the applicant's own use, the nature of such use must be given (such as airway beacon, coal mine, and irrigation pumps). If the line is to have a nominal voltage of 33 kv or over, the application should include a one-line diagram of the proposed line and the immediate interconnecting facilities including power plants and substations, a power flow diagram for proposed line and connecting major lines showing conditions under normal use, and typical structure drawings of proposed line showing construction dimensions and list of materials.

(c) A statement as to the distance from the nearest transmission or distribution lines of any other person, corporation, association, municipality, or other agency engaged in the sale of power, or a statement that there are no such lines existing or contemplated within 10 miles of any part of the transmission line of which the line for which a right-of-way is requested forms a part.

§ 244.44 Terms and conditions. By accepting a right-of-way for a power transmission line, the applicant thereby agrees and consents to comply with and be bound by the following terms and conditions, excepting those which the Secretary may waive in a particular case, in addition to those specified in § 244.9:

(a) To protect in a workmanlike manner, at crossings and at places in proximity to his transmission lines on the

right-of-way authorized, in accordance with the rules prescribed in the National Electric Safety Code, all Government and other telephone, telegraph, and power transmission lines from contact. and all highways and railroads from obstruction, and to maintain his transmission lines in such manner as not to menace life or property.

(b) To make provision, or bear the reasonable cost (as may be determined by the Secretary) of making provision for avoiding inductive interference between any project transmission line or other project works constructed, operated, or maintained by him on the approved right-of-way, and any radio installation, telephone line, or other communication facilities existing when the right-of-way is authorized, or any such installation, line, or facility thereafter constructed and operated by the United States or any agency thereof. This pro-vision shall not relieve him from any responsibility or requirement which may be imposed by other lawful authority for avoiding or eliminating inductive inter-

(c) That the transmission line for which the right-of-way is authorized shall not be used for the transmission of any power generated otherwise than by and at the connecting generating plant until the regional administrator shall have given written authority for such use and then only on the terms and conditions expressed in such written authority.

(d) To allow the Department of the Interior, in the case of a right-of-way applied for on or after October 14, 1948. and covering a right-of-way for an electrical transmission line having a nominal voltage of 33 kv or more, to utilize for the transmission of electrical power any surplus capacity of the line in excess of the capacity needed by the holder of the right-of-way (subsequently referred to in this paragraph as "holder") for the transmission of electrical power in connection with the holder's operations, or to increase the capacity of the line at the Department's expense and to utilize the increased capacity for the transmission of electrical power. Utilization by the Department of surplus or increased capacity shall be subject to the following terms and conditions:

(1) When the Department desires to utilize surplus capacity thought to exist in a line, notification will be given to the holder, and the holder shall furnish to the Department within 30 days a certificate stating whether the line has any surplus capacity not needed by the holder for the transmission of electrical power in connection with the holder's operations, and, if so, the extent of such

surplus capacity.
(2) In order to utilize any surplus capacity certified by the holder to be available, or any increased capacity provided by the Department at its own expense, the Department may interconnect its transmission facilities with the holder's line in a manner conformable to approved standards of practice for the interconnection of transmission circuits. However, for the purpose of diminishing line losses and for other reasons, the Department shall have the option, in

[&]quot; See appendix for forms.

lieu of requiring the holder to transmit power, to require that the holder deliver power to customers of the Department from the holder's own generating facilities in exchange for a like amount of power to be delivered by the Department to the holder at points on the holder's line or on his transmission system, to the extent of the unused capacity of the line for which a right-of-way is granted.

(3) The expense of interconnection will be borne by the Department, and the Department will at all times provide and maintain adequate switching, relaying, and protective equipment so as to insure that the normal and efficient operation of the holder's line will not be impaired.

(4) After any interconnection is completed, the holder shall operate and maintain his line in good condition; and, except in emergencies, shall maintain in a closed position all connections under the holder's control between the holder's line and the interconnecting facilities provided by the Department.

(5) The interconnected power systems of the Department and the holder will

be operated in parallel.

(6) The transmission of electrical power by the Department over the holder's line will be effected in such manner and quantity as will not interfere unreasonably with the holder's use and operation of the line in accordance with the holder's normal operating standards, except that the Department shall have the exclusive right to utilize any increased capacity of the line which has been provided at the Department's expense.

(7) The holder will not be obligated to allow the transmission over his line by the Department of electrical power to any person receiving service from the holder on the date of the filing of the application for a right-of-way, other than persons entitled to statutory preference in connection with the distribution and sale of electrical power by the De-

partment.

(8) The Department will pay to the holder an equitable share of the total monthly cost of maintaining and operating the part of the holder's line utilized by the Department for the transmission of electrical power, the payment to be an amount in dollars representing the same proportion of the total monthly operation and maintenance cost of such part of the line as the maximum amount in kilowatts of the power transmitted on a scheduled basis by the Department over the holder's line during the month bears to the total capacity in kilowatts of that part of the line. The total monthly cost may include interest and amortization, in accordance with the system of accounts prescribed by the Federal Power Commission, on the holder's net total investment (exclusive of any investment by the Department) in the part of the line utilized by the Department.

(9) If, at any time subsequent to a certification by the holder that surplus capacity is available for utilization by the Department, the holder needs for the transmission of electrical power in connection with its operations the whole or any part of the capacity of the line theretofore certified as being surplus to its needs, the holder may modify or revoke the previous certification by giving the Secretary of the Interior 30 months' notice, in advance, of the holder's intention in this respect. After the revocation of a certificate, the Department's utilization of the particular line will be limited to the increased capacity, if any, provided by the Department at its expense.

(10) If, during the existence of the right-of-way, the holder desires reciprocal accomodations for the transmission of electrical power over the interconnecting system of the Department to its line, such reciprocal accomodations will be accorded under terms and conditions similar to those prescribed in this paragraph with respect to the transmission by the Department of electrical power over the holder's line.

(11) The terms and conditions prescribed in this paragraph may be modified at any time by means of a supplemental agreement negotiated between the holder and the Secretary of the Interior or his designee.

§ 244.45 No rights acquired prior to filing and approval of application. Application under the act of February 15, 1901, or the act of March 4, 1911, for permission to use the desired right-of-way through the public lands and reservations must be filed and approved before any rights can be claimed thereunder.

§ 244.46 Unsurveyed lands. Permission may be given under the act of February 15, 1901, and the act of March 4, 1911, for a right-of-way over unsurveyed lands as well as surveyed lands.

§ 244,47 Expiration and renewal of right-of-way. Unless otherwise specified in a right-of-way granted under the act of March 4, 1911, and unless sooner canceled, the right-of-way shall expire 50 years from the date thereof. If, however, within the period of 1 year prior to the expiration date, the grantee shall file, in accordance with § 244.3, a written application to renew the right-of-way, and shall agree to comply with all the laws and regulations existing at such expiration date governing the occupancy and use of the lands of the United States for the purpose desired, the right-of-way may be renewed for a period of not to exceed 50 years. If such application is filed, the existing right-of-way will be extended subject to then existing and future rules and regulations, pending consideration of the application.

Subpart E—Rights-of-Way Through National Forests for Dams, Reservoirs, Water Plants, Ditches, Flumes, Pipes, Tunnels, and Canals for Municipal or Mining Purposes, Under the Act of February 1, 1905.

AUTHORITY: \$\$ 244.48 to 244.51 issued under sec. 4, 33 Stat. 628; 16 U. S. C. 524,

§ 244.48 Statutory authority. Section 4 of the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 524), grants rights-of-way through national forests to citizens and corporations of the United States, for the construction and mainte-

nance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, for municipal or mining purposes, and for the purpose of the milling and reduction of ores, during the period of the beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said forests are respectively situated.

§ 244.49 When construction may commence. No construction will be allowed in national forests until an application for right-of-way has been regularly filed in accordance with §§ 244.1 to 244.20, 244.48 to 244.51, and has been approved, or unless permission for construction in advance of the right-of-way grant has been specifically given.

§ 244.50 Water plant structures. When application is made for a right-of-way for water plants, § 244.42 should be followed, with appropriate changes in the prescribed forms.

§ 244.51 Procedure when unsurveyed land is involved. Maps showing reservoirs, canals, water plants, and other structures wholly upon unsurveyed lands, will be received and acted upon in the manner prescribed for surveyed lands.

SUBPART F—RIGHTS-OF-WAY UNDER THE ACT OF JANUARY 21, 1895, OVER PUBLIC LANDS FOR TRAMFOADS AND OTHER ROADS FOR LOGGING AND MINING PURPOSES,²² EXCEPT LOGGING ROADS OVER REVESTED AND RECONVEYED AND INTERMINGLED PUBLIC LANDS IN OREGON ²³

AUTHORITY: Secs. 244.52 and 244.53 issued under 28 Stat. 635; 43 U. S. C. 956.

§ 244.52 Statutory authority. The act of January 21, 1895 (28 Stat. 635; 43 U. S. C. 956), authorizes the Secretary under such general regulations as may be fixed by him to permit the use of rights-of-way over the public lands of the United States, for tramroads to the extent of 50 feet on each side of the center line of the tramroad, by any citizen or association of citizens of the United States, engaged in the business of mining, quarrying, or of cutting timber and manufacturing lumber. The act does not authorize the use of rights-of-way within the limits of any park or military reservation. The act is made applicable to national forests and reservoir sites by the act of March 3, 1899 (30 Stat. 1233; 16 U. S. C. 525, 43 U. S. C. 665, 958). Before a right-of-way is issued under this section, the officer authorized to issue it must obtain the clearance of the regional administrator. Where the regional administrator determines it to be in the public interest, he will require applicants under this section to execute the same type of right-of-way and road use agreements for the connecting road system as may be required under 43 CFR.

In addition to the material under this heading, the general regulations under Subpart A of this part should be consulted.

In an opinion of July 16, 1942 (58 I. D. 29), the Solicitor of the Department of the Interior held that the act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959), superseded the part of the 1895 act authorizing rights-of-

way for canals and reservoirs.

"In addition to the material under this heading, the general regulations under Subpart A of this part should be consulted.

Part 115 with appropriate modifications to meet local conditions: Provided, That where the land over which the right-ofway is requested is under the jurisdiction of an agency other than the Bureau of Land Management, the regional administrator shall make such requirement only with the concurrence of the authorized officer of such agency. The regional administrator may require an applicant for or holder of a tramroad right-of-way to execute a bond on Form 4-414, modifled to refer to the applicable sections of this part, in an amount, not less than \$500 per mile or fraction thereof, to be determined by the regional administrator conditioned on compliance with fi 244.1 to 244.21 and 244.52 and 244.53. The arbitration procedures involved in the stipulations shall be in accordance with State law, if any is applicable. In the absence of applicable State law, controversies involving arbitration shall be arbitrated in accordance with the rules then obtaining of the American Arbitration Association.

§ 244.53 Tramroads defined. Tramroads are considered as including tramways, railroads, and motor-truck roads to be used in connection with mining, quarrying, logging, and the manufacturing of lumber.

CROSS REFERENCE: Applications for logging road permits over revested Oregon and Cali fornia Railroad and reconveyed Coos Bay Wagon Road grant lands and intermingled public lands administered by the Bureau of and Management which are in and west of Range 8 East, Willamette Meridian, Oregon, must be made under 43 CFR, Part 115.

SUBPART G-TRANSFERS OF PUBLIC LANDS AND RESERVATIONS FOR HIGHWAYS, ROAD BUILDING MATERIAL AND MAINTENANCE SITES, ROADSIDE AND LANDSCAPE DEVEL-OPMENT AREAS AND FLIGHT STRIPS, UN-DER THE FEDERAL AID HIGHWAY ACT

AUTHORITY: \$\$ 244.54 to 244.56 issued under R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201,

§ 244.54 Statutory authority - (a) Highways and material sites. (1) Section 17 of the Federal Aid Highway Act of November 9, 1921 (42 Stat. 216; 23 U. S. C. 18), authorizes the transfer of public lands and reservations of the United States to the State highway departments on determination by the Secretary of Commerce " that such lands are necessary for the right-of-way for any highway or forest road or as a source of materials for the construction and maintenance of such roads and highways, and after his request for such transfer with a map showing the portions of such lands which it is desired to appropriate." The section does not authorize transfers to Territories.

In addition to the material under this heading, the general regulations under Subpart A of this part should be consulted.

"Originally the Federal Aid Highway Act provided that various functions should be administered by the Secretary of Agriculture. Through a series of transfers, the latest of which is 1949 Reorganization Plan No. 7, effective August 19, 1949 (14 P. R. 5228, 63 Stat. 1070), these functions have vested in the Secretary of Commerce.

"Considered as including maintenance and stock-pile sites.

(2) This statute provides that if within a period of 4 months after such filing the Secretary of the department supervising the administration of such land or reservation shall not have certified to the, Secretary of Commerce that the proposed transfer of such lands is contrary to public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land or materials may be appropriated and transferred to the State highway departments for such purposes." If and when the need for any such land or materials shall no longer exist, notice of that fact must be given by the State highway department to the Secretary of Commerce, and such lands or materials will immediately revert to the control of the Secretary of the Department from which they had been appropriated."

(b) Roadside and landscape development areas. The act of June 8, 1938 (52 Stat. 633; 23 U. S. C. 10b), authorizes right-of-way for roadside and landscape development under section 17 of the

Federal Aid Highway Act.

(c) Flight strips. Section 8 of the act of November 19, 1941 (55 Stat. 767; 23 U. S. C. 108), authorizes rights-of-way under the Federal Aid Highway Act for flight strips adjacent to public highways or roadside-development areas along such highways.

(d) Extent of grant. Rights-of-way granted pursuant to the Federal Aid Highway Act, as supplemented and amended, do not include rights-of-way for facilities with respect to which any other provision of law specifically requires the filing of an application for a right-of-way. Where the holder of the highway right-of-way determines that such facility will not seriously impair the scenic and recreational values of an area and its consent is obtained, the Department waives the requirement of an application for a right-of-way for all facilities usual to a highway along a highway right-of-way granted pursuant to the Federal Aid Highway Act, as supplemented and amended, except for electric transmission facilities, designed for operation at a nominal voltage of 33 ky or above, or designed for conversion to such operation, or for oil or gas pipe lines which are more than two miles long and are not part of any other pipe line crossing public lands. Applications shall be made under §§ 244.39 to 244.47, inclusive, with respect to any right-of-way

" By decision of the Secretary, Nevada Department of Highways, A.24151, September 17, 1945, it was held that the language of the act imports discretion and indicates no intent to vest in the State a right at the end of the four months' period without further action by the Department having jurisdiction. It was held further that the interest transferred under the statute is merely a right-of-way or right to take materials and that the Government may reserve the right to dispose of leasable minerals.

"Notice by the State highway departments, that the need for the land or material no longer exists may be given directly to the Bureau of Land Management.

for an electric transmission facility subject to this exception, and under §§ 244.60 to 244.66, inclusive, for pipe line facilities subject to this exception. Where the holder of the right-of-way consents to the construction of usual highway facilities, as stated above, such holder shall be responsible for compliance with § 244.9 in connection with the construction and maintenance of such facilities.

§ 244.55 Filing of application. Where a right-of-way is desired under the provisions of section 17 of the act of November 9, 1921, and the amendment or supplements thereto, for any of the purposes mentioned in § 244.54, an application and maps should be filed in the manner prescribed by §§ 244.3 and 244.6 (a). Such application should be filed by the State highway department of the particular State and not by any political subdivision of the State. No application will be received by the Bureau for rightsof-way affecting lands entirely within a national forest or an Indian reservation.

§ 244.56 Action on application. Upon receipt of an application filed under section 17 of the act of November 9, 1921, or acts supplemental thereto, which affects unpatented lands or patented lands, acquired by the United States, under the jurisdiction of this Department, Bureau procedure relating to rights-ofway will be followed, and in addition the manager will return a duplicate map or maps to the State highway department which will forward them to the Secretary of Commerce for his determination that the lands are necessary for the purposes desired, as required by the act. Upon the receipt of such determination, if all else be regular, the right-of-way will be

SUBPART H-RIGHTS-OF-WAY FOR THE CONSTRUCTION OF HIGHWAYS OVER PUBLIC LANDS UNDER R. S. 2477

AUTHORITY: \$5 244.57 to 244.59 issued under R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201.

§ 244.57 Statutory authority. R. S. 2477 (43 U. S. C. 932), grants rights-ofway for the construction of highways over public lands, not reserved for public

§ 244.58 Effective date and extent of grant. (a) Grants of rights-of-way referred to in the preceding section become effective upon the construction or establishment of highways, in accordance with the State laws, over public lands, not reserved for public uses. No application should be filed under R. S. 2477, as no action on the part of the Government is necessary. Rights-of-way granted by R. S. 2477 do not include rights-of-way for facilities with respect to which any other provision of law specifically requires the filing of an application for a right-of-way. Where the holder of the highway right-of-way determines that such facility will not seriously impair the scenic and recreational values of an area and its consent is obtained, the Department waives the requirement of an application for a right-of-way for all facilities usual to a highway along a highway right-of-way granted by R. S. 2477, except for electric transmission facilities, designed for operation at a nominal voltage of 33 kv or above, or designed for conversion to such operation, or for oil or gas pipe lines which are more than two miles long and are not part of any other pipe line crossing public lands. Applications shall be made under §§ 244.39 to 244.47, inclusive, with respect to any right-of-way for an electric transmission facility subto this exception, and under §§ 244.60 to 244.66, inclusive, for pipe line facilities subject to this exception.

(b) Holders of grants under R. S. 2477 shall be subject to the terms and conditions of the following paragraphs of § 244.9 (b), (c), (d), (e), (i), (k), (n), Where the holder of the highway consents to the construction of usual highway facilities, as provided above, such holder shall be responsible for compliance with the designated paragraphs of § 244.9 in connection with the construction and maintenance of such facilities,

§ 244.59 Procedure when reserved land is involved. When a right-of-way is desired for the construction of a highway under R. S. 2477, over public land reserved for public uses, and such reserved land is under the jurisdiction of the Department of the Interior, an application should be made in accordance with § 244.3 for consideration of the revocation or modification of the reserve so as to permit the operation of the statute and construction or establishment of the highway. Such application should be accompanied by a map, drawn on tracing linen, with two print copies thereof, showing the location of the proposed highway with relation to the smallest legal subdivisions of the lands affected. In such case a serial number will not be assigned to the application but it will be transmitted together with the map and print copies to the Bureau Land Management immediately. Unless and until the reservation shall have been revoked or modified so as to permit the construction of the highway, subject to such terms and conditions, if any, as may be deemed reasonable and necessary for the adequate protection and utilization of the reserve, no rights to establish or construct the highway will be acquired by reason of the filing of such application.

SUBPART I-RIGHTS-OF-WAY THROUGH PUBLIC LANDS AND RESERVATIONS FOR OIL AND NATURAL GAS PIPELINES AND PUMPING PLANT SITES UNDER THE MINERAL LEASING ACT

AUTHORITY: 14 244.60 to 244.66 issued under sec. 28, 49 Stat. 678; 30 U. S. C. 185.

\$ 244.60 Statutory authority. Section 28 of the act of February 25, 1920 (41 Stat. 449), as amended by the act of August 21, 1935 (49 Stat. 678; 30 U.S. C 185), authorizes the Secretary to grant rights-of-way through public lands, including the forest reserves of the United States, for pipeline purposes for the transportation of oll or natural gas to any applicant possessing the qualifications provided in section 1 of the act (41 Stat. 437; 30 U.S. C. 22, 48, 181) to the extent of the ground occupied by the said pipeline and 25 feet on each side of the same under such regulations and conditions as to survey, location, application, and use as may be prescribed by him, and upon the express conditions that such pipeline shall be constructed, operated and maintained as a common carrier and that the pipeline holder shall accept, convey, transport, or purchase without discrimination oil or natural gas produced from Government lands in the vicinity of the pipeline in such proportionate amount as the Secretary of the Interior may, after a full hearing, with due notice thereof to the interested parties, and a proper finding of facts, determine to be reasonable."

§ 244.61 Who may file application. Application may be filed by citizens of the United States, associations of such persons, any corporation organized under the laws of the United States, or of any State or Territory, and municipali-

§ 244.62 Common carrier stipulation; oil pipelines. Each application for an oil pipeline right-of-way must include the following stipulation:

The applicant agrees to operate the pipeline as a common carrier in accordance with the provisions of the Mineral Lessing Act, within 30 days after the request of the Secretary of the Interior, to file rate schedule and tariff for the transportation of oil as such common carrier with any regulatory agency having jurisdiction over such transportation, as the Secretary may prescribe.

§ 244.63 Common carrier stipulation; natural gas pipelines. Each application for a natural gas pipeline right-of-way must include the following stipulation:

The applicant agrees that it will operate the pipeline as a common carrier in accordance with the provisions of the Mineral Leasing Act as now or hereafter amended and pertinent regulations heretofore or hereafter adopted thereunder and that it will transport natural gas for others, whether such gas is produced from Government lands or not, at reasonable rates and subject to conditions to be allowed or determined by the regulatory agency having jurisdiction such transportation: Provided, That no condition shall be imposed by the applicant which is inconsistent with the applicant's obligation to operate its pipeline as a common carrier. The applicant agrees to provide common carrier transportation service requested, including firm service, as follows:

(1) When any request for the transportation of natural gas is made and there is unused capacity in the applicant's pipeline, the applicant agrees promptly, or within such time as may be fixed by the Secretary, (1) to file with the regulatory agency having jurisdiction over such matter an application for issuance of authority to the applicant transport such gas, to the extent of the unused capacity of the pipeline, if an application for such authority is required by the law applicable to such agency or by the rules or regulations of such agency, and, upon the issuance of such authority, to commence to render service to the extent of the unused capacity of the pipeline pursuant to the terms and conditions of such authority, or (ii) where no such authority need be tained in advance of transportation, to file a rate schedule or tariff with such regulatory agency and to commence to render transportation service at the rates and subject to the conditions allowed or determined by such agency. Nothing in this subparagraph shall be construed to prevent any right of appeal which the applicant may have under applicable law from the issuance of authority under clause (1) or from any determination of rates or conditions under clause (ii) of the preceding sentence, but no appeal taken by the applicant shall delay the commencement of transportation service by the applicant as provided in that sentence.

(2) If there is no unused capacity or insufficient unused capacity in the applicant's pipeline at the time when the request for transportation is made, the applicant agrees promptly, or within such time as may be fixed by the Secretary, to file with any regulatory agency having jurisdiction over such matter an application for issuance of authority to the applicant to increase the capacity of its pipeline sufficiently to enable the applicant to provide for the transportation of the natural gas proposed for shipment, but the applicant shall not be required to apply for the Issuance of authority to increase the capacity of its pipeline to such an extent that such increased capacity, when added to any increased capacity theretofore provided pursuant to this stipulation, will exceed that capacity of the pipeline not devoted to common carrier transportation at the time the request for common carrier transportation is made. The applicant shall be required to file an application for authority to increase the capacity of its pipeline only if the prospective shipper joins in such application and only if the prospective shipper advises the applicant in writing that at any hearing upon such application the shipper shall have the burden of showing an adequate gas supply, markets, and other relevant facts necessary to establish, consistent with ap-plicable law, the economic feasibility of the facilities and investment required to provide necessary added capacity and to justify the issuance of authority for the construction of such facilities, and that the shipper agrees to offer natural gas for transportation through the applicant's pipeline, upon completion of the construction of the increased capacity within a reasonable time, in such amounts and for such period of time as will be sufficient to pay the construction and operation costs allocable to his shipments plus a reasonable return on the investment allocable to such shipments. Applicant further agrees to proceed diligently to provide the increased capacity for common carrier transportation, the construction of which is authorized by any final order of any regu-latory agency having jurisdiction over such transportation, provided the applicant will not be required to construct such additional facilities until it is able to obtain necessary outside funds, if any are needed, on terms submitted to and sanctioned by the regulatory agency in connection with the appli-cation to obtain such authority, but nothing herein contained shall be construed as a waiver of any right which the applicant may have under applicable law to appeal from such final order.

Upon completion of construction under such authorization, applicant will take all steps necessary, including the filing of rate schedules or tariffa where required, to commence service pursuant to the terms and conditions of the authorization and at the rates and subject to the conditions allowed or determined by the agency. Nothing in the preceding sentence shall be construed to prevent any right of appeal which the applicant may have under applicable law from any determination of rates or condi-

[&]quot;In addition to the material under this heading, the general regulations under Subpart A of this part should be consulted.

[&]quot; By opinion of the Attorney General of January 3, 1941 (40 Op. Atty. Gen. 9), and departmental decision, Chiles P. Plummer, A. 23983. February 24, 1945, this statute was construed as not applying to purchased or acquired lands as they are not considered public lands within the meaning of the act.

tions by the regulatory agency, but no such appeal taken by the applicant after the completion of construction, shall delay the commencement of transportation service by the applicant as provided in that sentence.

(b) Any rate schedule or tariff filed un-

(b) Any rate schedule or tariff filed under paragraph (a) shall include the provisions set forth in paragraph (a) of this stipulation and no change shall be made in paragraph (a) without first obtaining the approval of the Secretary of the Interior. A copy of such rate schedule or tariff and of any amendment to, or revision of, a rate schedule or tariff shall be furnished to the Secretary of the Interior when the original is filed with the regulatory agency.

(c) None of the specific provisions of this stipulation shall be construed to limit in any way the obligation of the applicant to operate its pipeline as a common carrier in accordance with the provisions of the Mineral Leasing Act as now or hereafter amended and pertinent regulations heretofore or hereafter sdopted under that act or any other obligations imposed on the applicant by such act or regulations, and any violation of such obligation shall be ground for the cancellation of the right-of-way, as provided in the Mineral Leasing Act.

Every applicant for a natural gas pipeline right-of-way whose application is pending before the Department on July 27, 1951, without final action thereon having been taken by the Department, shall be required to execute and file the stipulation prescribed in this section within 30 days after that date.

§ 244.64 Use of pipeline. The applicant shall state in the application the specific use, within the purview of the act, to which the pipeline is to be put, and any approval of the right-of-way shall be limited to such use, unless otherwise stated in the approval. No change in the use of the pipeline from that authorized by the approval of the right-of-way shall be allowed except as follows:

(a) In the case of pipelines engaged in interstate transportation, a change may be made only with approval first obtained from the regional administrator, and upon such terms and conditions as he may prescribe as a prerequisite to the approval of the change of use. If the regional administrator does not disapprove or otherwise act upon an application for a change in use by the end of the forty-fifth day after the application is filed, he shall be deemed to have approved it without conditions other than those previously existing.

(b) In case of pipelines engaged solely in intrastate transportation, a change may be made by the grantee in the use of the pipeline for the transportation of products within the purview of the act. from that specified in the approval of the right-of-way, provided, written notice of such change is filed with the manager not less than 15 days in advance of the actual change of use. Such notice must be accompanied by a showing as to whether the change in use is to be temporary or permanent, and a statement that such change will not result in any hardship or injustice to persons operating under Federal leases who may be dependent on the pipeline as the means of transportation of their products to existing markets, and must be accompanied by the consent in writing of such lessees to the change of use.

§ 244.65 Approval of right-of-way. The approval of such rights-of-way shall be subject to the express condition that the use of the pipeline for the transportation of oil, gas, or other similar natural products, shall be limited to such products produced in conformity with State and Federal laws, including laws prohibiting waste.

§ 244.66 Pumping plant site. A site for a pumping station or other structures reasonably necessary to the operation of a pipeline on a right-of-way approved under section 28 of the act of February 25, 1920, or as amended by the act of August 21, 1935, may be granted under the same section (36 Op. Atty. Gen. 480). When an application is made for a right-of-way for a site, the location and extent of ground proposed to be occupied by buildings or other structures necessary to be used in connection therewith must be clearly designated on the map and described on Forms 3 and 4 " by reference to course and distance from a corner of the public survey. In addition to being shown in connection with the main drawing, the buildings or other structures must be platted on the map in a separate drawing on a scale sufficiently large to show clearly their dimensions and relative positions. When two or more such proposed structures are to be located near each other, it will be sufficient to give the reference to a corner of the public survey for one of them, provided all the others are connected therewith by course and distance shown on the map. The application must also state the proposed use of each structure, and must show definitely that each one is necessary for a proper use of the right-of-way for the purpose contemplated in the act.

SUBPART J—RIGHTS-OF-WAY OVER LANDS SUBJECT TO A MINERAL LEAST

§ 244.67 Statutory authority: applications. (a) Section 29 of the act of February 25, 1920 (41 Stat. 449, 30 U. S. C. 186), provides in part:

(a) That any permit, lease, occupation, or use permitted under this act shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights-of-way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes.

(b) Where another statutory provision covers the type of right-of-way desired, applications shall be made in accordance with such statute and the applicable regulations,

(c) Where there is no other statutory provision covering the type of right-of-way desired, applications shall be filed in accordance with §§ 244.1 to 244.21, inclusive (41 Stat. 449; 30 U. S. C. 186).

SUBPART K.—RIGHTS-OF-WAY FOR FEDERAL IRRIGATION PURPOSES UNDER THE ACT OF DECEMBER 5, 1924

§ 244.68 Statutory authority, Section 4, subsection P, of the act of December 5, 1924 (43 Stat. 704; 43 U. S. C. 417), provides that where, in the opinion of the Secretary, a right-of-way over public land is required in connection with a reclamation project, the Secretary may reserve the same to the United States by filing in the Bureau of Land Management and in the appropriate land office copies of an instrument giving a description of the right-of-way and notice that the same is reserved to the United States for Federal irrigation purposes under this section, in which event entry for such land and the patent issued therefor shall be subject to the right-of-way so described in such instrument; and reference to each such instrument shall be made in the appropriate tract books and also in the patent (43 Stat. 704; 43 U. S. C. 417).

SUBPART L—RIGHTS-OF-WAY FOR TRANS-MISSION LINES IN CONNECTION WITH BOULDER CANYON PROJECT UNDER THE BOULDER CANYON PROJECT ACT

§ 244.69 Statutory authority. Section 5 (d) of the Boulder Canyon Project Act of December 21, 1928 (45 Stat. 1057; 43 U. S. C. 617d), authorizes the use by any agency receiving a contract for the purchase of electrical energy from Boulder Canyon Project of such public and reserved lands of the United States as may be necessary or convenient for the construction, operation, and maintenance of main transmission lines to transmit said electrical energy (45 Stat. 1057; 43 U. S. C. 617d).

Regulations superseded. Sections 244.1 to 244.69, inclusive, supersede §§ 244.1 to 244.53, inclusive, §§ 245.1 to 245.28, inclusive, and §§ 292.27 to 292.38, inclusive, of this chapter (Circ. 1237b, May 31, 1943; Circ. 1461a, December 14, 1942; Circ. 1619, August 16, 1946; Circ. 1682, May 25, 1948; Circ. 1701, October 14, 1948; and Circ. 1559, May 31, 1943).

R. D. Seables, Acting Secretary of the Interior. June 24, 1952.

> APPENDIX FORMS 1

Forms 1 and 2 to be placed on maps. See section 244.6 (a) (7).

²³ The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Where necessary, these forms should be modified so as to be appropriate to the applicant (corporation, association, or individual), to the act invoked, and to the nature of the project.

Reference should be made to the appropriate section of the regulations to determine when each of the forms is required.

when each of the forms is required.

Forms Nos. 2, 4, 6, 7, 9, and 10 may be signed by any officer or employee of the company who is authorized to sign them. However, if they are executed by a person other than the President, they must be accompanied by a certified copy of the minutes of the Board of Directors meeting or other document authorizing such signature unless, such certified copy has already been filed in the

[&]quot; See appendix for forms.

ENGINEER'S STATEMENT

states he is by (Name of engineer) occupation a _____(Type of engineer) ployed by the _____to make the survey of the (Kind of works)

as described and shown on this map; that the survey of said works was made by him (or under his supervision) and under authority, commencing on the ____ day of dsy of 19...; and ending on the 19...; and that such survey is accurately represented upon this map.

(Engineer)

APPLICANT'S CERTIFICATE

(Form 2)

This is to certify that _____(Engineer) who subscribed the statement hereon is the person employed by the undersigned applicant to prepare this map, which has been adopted by the applicant as the approximate final location of the works thereby shown; and that this map is filed as a part of the complete application, and in order that the applicant may obtain the benefits of

and I further certify that the (Cite statute) right-of-way herein described is desired

(State purpose)

[SEAL]

(Signature of applicant)

(Title) (Company)

Attest:

FORMS FOR PLANT SITES ONLY See sections 244.42 (a) and 244.66.

(Form 3)

---- states that (Name of engineer)
he is the chief engineer of (or the person employed by) the _______(Company)

under whose supervision the survey was made of the grounds selected by the company for structures for a plant site under the act of Congress approved February 15, 1901 (February 1, 1905, act of March 4, 1911, as amended, or act of February 25, 1920, as amended), said grounds (here describe as required by regulation, sec. 244.31); that the accompanying drawing correctly represents the locations of the said structures; and that the locations of the said structures; and that in his belief the structures represented are actually and to their entire extent required for the necessary uses contemplated by the

(Signature of engineer)

(Form 4)

----, do hereby certify (Applicant) (Company officer)

that I am the _____ of the ____: that the survey of the struc-(Company)

tures represented on the accompanying drawing was made under authority and by direction of the company, and under the supervision of _____, its chief engineer (or person employed in the premises), whose statement precedes this cer-tificate; that the survey as represented on the accompanying drawing actually represents the structures required (here described as required by regulation, sec. 244.30), for plant site under the act of Congress ap-proved February 15, 1901 (February 1, 1905, March 4, 1911, as amended, or February 25, 1920, as amended); and that the company, by resolution of its board of directors, passed on the _____ day of _____ 19___, directed the proper officers to present the said drawing for approval in order that the company may obtain the use of the grounds required for said structures, under the provisions of said act.

(Signature of applicant) (Title) (Company) Attest:

FORMS FOR PROOF OF CONSTRUCTION See section 244.15.

(Form 5)

.. states that he is (Name of engineer) the chief engineer (or was employed to su-pervise or check the construction of the canals, ditches, laterals, and reservoirs) for

the ____; that said (canals,

(Company) ditches, laterals, and reservoirs) have been constructed under his supervision; that construction was commenced on the _____ day which received the approval of the Department of the Interior on the ____ day of _____ 19____

(Signature of engineer)

(Form 6)

(Applicant) (Company officer)
that I am the ______ of the ______;
(Title) (Company)

that the (canals, ditches, laerals, and reservoirs) were actually constructed as set forth in the accompanying statement of ... chief engineer (or the person employed by the company in the promises), and on the exact location represented on the map approved by the Department of the Interior on the _____ day of _____ 19___; and that the company has in all things complied with the requirements of the act of (March 3. 1891) granting rights-of-way for (canals, ditches, laterals, and reservoirs) through public lands of the United States.

[BEAL] (Signature of applicant) (Title) (Company) Attest:

FORMS FOR RESERVOIR DECLARATORY STATEMENT

See section 244.30. Res. D. S.

I.

Land Offi	ce at	
	19	
(Applie	ant) (Company officer)	

(Post office address)
do hereby certify that I am ____ (Title) of the _____, and on behalf of said company, and under its authority, do hereby apply for the reservation of land in county, State of ______ for the construction and use of a reservoir for furnishing water for livestock under the provisions of the act of January 13, 1897 (29 Stat. 484; 43 U. S. C. 952). The location of said reservoir and of the land necessary for its use, is as follows: ---of section ____ in township ____ of range ____ M., containing ____

To the best of my knowledge and belief the said land is not occupied or otherwise claimed, and is not mineral or otherwise reserved. The said reservoir is to be used in connection with

(Business of applicant)

The land owned or claimed by the applicant within the vicinity (within 3 miles) of the said reservoir is as follows:

(Describe by legal subdivision, section, township, and range)

No part of the land to be reserved under this application is or will be fenced unless written permission is first obtained from the Department of the Interior; the same will be kept open to the free use of any person desiring to water animals of any kind; the desiring to water animals of any kind, the land will not be used for any purpose except the watering of stock; and the land is not, by reason of its proximity to other lands reserved for reservoirs, excluded from reser-vation by the regulations and rulings of the Department of the Interior.

The water of said reservoir will cover an area of ____ acres in ___ of section ___ of range ___ of said lands; the capacity of the reservoir will be _____ gallons, and the dam will be _____ feet high. The source of the water for said reservoir is _____

(Type and location ..., and there are

of spring, stream, runoff, etc.) no streams or springs within 2 miles of the land to be reserved except as follows;

(Insert names or other identification) The applicant has filed no other declaratory statements under this act, except as

follows: No. _____ scres. _ land office, area

No. _____ land office, area to be reserved ____ acres,

No. _____ land office, area to be reserved _____ acres. No. land office, area

to be reserved _____ acres.
Total, ____ acres, of which Nos. ____
are located in said county.

It is the bona fide purpose and intention of this applicant to construct and complete said reservoir and maintain the same in accordance with the provisions of said Act of Congress and such regulations as are or may be prescribed thereunder.

[SEAL] (Signature of applicant) (Title) (Company) Attest:

* Description should be in terms of smallest legal subdivision (40-acre tract or lot).

Statement of business should include full information concerning the extent to which applicant is engaged in grazing, breeding, driving, or transporting livestock; the number and kinds of such stock; the place where they are being bred or grazed; whether within an enclosure or upon unenclosed lands; and the points from which and to which they are being driven or transported.

Land Office at I. ... manager of the land office, do hereby certify that the fore-going application is for the reservation of lands subject thereto under the provisions of Act of January 13, 1897; that there is no prior valid adverse right to the same; and that the land is not, by reason of its proximity to other lands reserved for reservoirs, excluded from reservation by the regulations and rulings of the Department of the Interior. Fees, \$ ____ paid. (Manager) (Form 8) See section 244.33. --- says that he is the (Chief engineer) person who was employed to make the survey of a reservoir covering an area of _____acres, the initial point of the survey being

act of January 13, 1897 (29 Stat. 484; 43 U. S. C. 952); that the said survey was made on the _____ day of _____ 19___; that the dam and all necessary works have been constructed in a substantial manner; that the reservoir has a capacity of _____ gallons of water.

(Signature of engineer)

(Form 9)

See section 244.33. I,

(Applicant) (Company officer)
hereby certify that I am the

(Title)

which filed (or

of the (Company) that I am the person who filed) reservoir declaratory statement No. _____ in the local land office at _____; that the proposed reservoir has been constructed upon the _____ of section ____,
township _____, range ____ M., covering an area of _____ acres; that the dam and all necessary works have been constructed in a substantial manner in good faith in order that the reservoir may be used and maintained for the purpose, and in the manner prescribed by the said act of January 13, 1897 (29 Stat. 484; 43 U. S. C. 752), the provisions of which have been and will be compiled with in all respects.

108041	
1	(Signature of applicant)
	(Title)
Attest:	(Company)
	(Form 10)
See section 24	14.35. says
	t) (Company officer) of the
(Company)	hich filed (or that he is the
statement No	iled) reservoir declaratory

structed in pursuance thereof, as heretofore certified has been kept in repair; that water has been kept therein to the extent of not less than ____ gallons during the entire calendar year of 19___; that neither the reservoir nor any part of the land reserved for use in connection therewith is or has been fenced during said year; and that the said company (or person) has in all respects complied with the provisions of the act of January 13, 1897 (29 Stat. 484; 43 U. S. C.

(City)

[SEAL] (Signature of applicant) (Title) (Company)

[F. R. Doc. 52-7149; Filed, June 30, 1952;

PART 245-RIGHTS-OF-WAY OVER AND UPON PUBLIC LANDS AND RESERVATIONS OF THE UNITED STATES FOR ELECTRICAL PLANTS AND TRANSMISSION LINES

PART 292-PUBLIC WATER RESERVES

CROSS REFERENCE: For supersedure of \$\$245.1 to 245.28 and \$\$292.27 to 292.38, see Part 244 of this chapter,

Appendix-Public Land Orders [Public Land Order 845]

CALIFORNIA

RESERVING PUBLIC LAND FOR USE OF UNITED STATES ATOMIC ENERGY COMMISSION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831), it is ordered as follows: Subject to valid existing rights, in-

cluding a right-of-way for a material site granted to the California State Highway Department, the following-described public land in California is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for the use of the United States Atomic Energy

SAN BERNARDINO MERIDIAN

T. 10 S. R. 9 E. Sec. 24, NE 4 SW 1/4.

The area described contains 40 acres. It is intended that the above-described land shall be returned to the administration of the Department of the In-terior when it is no longer needed for the purpose for which it is reserved.

> R. D. SEARLES, Acting Secretary of the Interior.

JUNE 24, 1952.

[F. R. Doc. 52-7158; Filed, June 30, 1962; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue I 26 CFR Parts 29, 40 1

INCOME AND EXCESS PROFITS TAX

TAXATION OF MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, AND COOPERATIVE BANKS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments per-

Description should be in terms of smallest legal subdivisions (40-acre tract or lot).

taining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code.

(53 Stat. 32; 26 U. S. C. 62)

JOHN B. DUNLAP. Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to sections 313 and 346 of the Revenue Act of 1951, approved October 20, 1951, and in order to conform Regulations 130 (26 CFR Part 40) to section 313 of the Revenue Act of 1951, such regulations are hereby amended as fol-

PARAGRAPH 1. There is inserted immediately preceding § 29.101 (2)-1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) Mutual savings banks. Section (2) (relating to exemption from tax of Sutual savings banks) is hereby repealed.

Effective date. The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

PAR. 2. Section 29.101 (2)-1 is amended as follows:

(A) By changing the headnote thereof to read as follows:

§ 29.101 (2)-1 Mutual savings banks: taxable years beginning prior to January

(B) By inserting immediately preceding the first sentence thereof the following new sentence: "The provisions of this section shall be applicable only to taxable

years beginning prior to January 1, 1952.

For taxable years beginning after December 31, 1951, see § 29.101 (2)-2." *

PAR. 3. There is inserted immediately preceding § 29.101 (3)-1 the following new section:

§ 29.101 (2) -2. Mutual savings banks; taxable years beginning after December 31, 1951. (a) For taxable years beginning after December 31, 1951, a mutual savings bank not having capital stock represented by shares is subject to both normal tax and surtax as in the case of other corporations. Such a bank is, however, not subject to excess profits tax. For special rules governing the taxation of a mutual savings bank conducting a life insurance business, see section 110 and the regulations prescribed thereunder.

(b) While the general principles for determining the net income of a corporation are applicable to a mutual savings bank not having capital stock represented by shares, there are certain exceptions and special rules governing the computation in the case of such a bank. See § 29.23 (k) (1)-5 for special rules concerning additions to reserves for bad debts. See also § 29.23 (r)-1, relating to dividends paid by banking corporations, for special rules concerning deductions for amounts paid to, or credited to the accounts of, depositors as dividends on deposits. Furthermore, in determining the normal tax net income of such a mutual savings bank, the credit for dividends received provided in section 26 (b) shall not be applicable to dividends which were deductible from the net income of the distributing corporation

under section 23 (r). (c) The taxable year (fiscal year or calendar year, as the case may be) of a mutual savings bank not having capital stock represented by shares shall be determined without regard to the fact that the taxpayer may have been exempt from tax during any prior period. See sections 41 and 48 and the regulations thereunder. Similarly, in computing net income, the determination of the taxable year for which an item of income or expense is taken into account shall be made under the provisions of sections 41, 42, and 43, and the regulations thereunder, whether or not the item arose during a taxable year beginning before, on, or after December 31, 1951. For the purpose of computing, under section 122, the net operating loss deduction provided in section 23 (r), the terms "preceding taxable year" and "preceding taxable years", as used in section 122, shall not include any taxable year for which the mutual savings bank was exempt from tax. Thus, if the mutual savings bank was exempt from tax for the immediately preceding taxable year, the net operating loss is not a carry-back to any preceding taxable year, and the net operating loss carry-over to succeeding taxable years is not reduced by the net income for any preceding taxable year. No net operating loss carry-back or carry-over shall be allowed from a taxable year beginning prior to January 1, 1952.

PAR. 4. There is inserted immediately preceding § 29.101 (4)-1 the following:

SEC 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(b) Building and loan associations and cooperative banks. Section 101 (4) relating to exemption from tax of building and loan associations and cooperative banks) is hereby amended to read as follows:

(4) Credit unions without capital stock organized and operated for mutual purposes and without profit; and corporations or associations without capital stock organized prior to September 1, 1951, and operated for mutual purposes and without profit for the purpose of providing reserve funds for, and insurance of, shares or deposits in-

(A) Domestic building and loan associa-

(B) Cooperative banks without capital stock organized and operated for mutual purposes and without profit, or (C) Mutual savings banks not having cap-

ital stock represented by shares;.

(j) Effective date. The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

PAR. 5. Section 29.101 (4)-1 is amended as follows:

(A) By changing the headnote thereof to read as follows:

§ 29.101 (4)-1 Building and loan associations and cooperative banks; taxable years beginning prior to January 1,

(B) By inserting immediately preceding the first sentence thereof the following: "The provisions of this section shall be applicable only to taxable years beginning prior to January 1, 1952. For taxable years beginning after December 31, 1951, see § 29.101 (4)-2."

PAR. 6. There is inserted immediately preceding § 29.101 (5)-1 the following new sections:

§ 29.101 (4)-2. Building and loan associations and cooperative banks; taxable years beginning after December 31, (a) For taxable years beginning 1951. after December 31, 1951, a building and loan association and a cooperative bank not having capital stock represented by shares are subject to both normal tax and surtax as in the case of other corporations. Such institutions are, however, not subject to excess profits tax.

(b) While the general principles for determining the net income of a corporation are applicable to a building and loan association and a cooperative bank not having capital stock represented by shares, there are certain exceptions and special rules governing the computation in the case of such institutions. See § 29.23 (k) (1)-5 for special rules concerning additions to reserves for bad debts. See also § 29.23 (r)-1, relating to dividends paid by banking corporations, for special rules concerning deductions for amounts paid to, or credited to the accounts of, depositors as dividends on deposits. Furthermore, in determining the normal tax net income of a building and loan association and a cooperative bank, the credit for dividends received provided in section 26 (b) shall not be applicable to dividends which were deductible from the net income of the distributing corporation under section

(c) The taxable year (fiscal year or calendar year, as the case may be) of a building and loan association and a cooperative bank not having capital stock represented by shares shall be determined without regard to the fact that the taxpayer may have been exempt from tax during any prior period. See sections 41 and 48 and the regulations thereunder. Similarly, in computing net income, the determination of the taxable year for which an item of income or expense is taken into account shall be made under the provisions of sections 41, 42, and 43, and the regulations thereunder, whether or not the item arose during a taxable year beginning before, on, or after December 31, 1951. For the purpose of computing, under section 122, the net operating loss deduction provided in section 23 (r), the terms "pre-ceding taxable year" and "preceding taxable years", as used in section 122, shall not include any taxable year for which the building and loan association and cooperative bank were exempt from Thus, if the building and loan association and cooperative bank were exempt from tax for the immediately preceding taxable year, the net operating loss is not a carry-back to any preceding taxable year, and the net operating loss carry-over to succeeding taxable years is not reduced by the net income for any preceding taxable year. No net operating loss carry-back or carry-over shall be allowed from a taxable year beginning prior to January 1, 1952.

§ 29.101 (4)-3 Credit unions and mutual insurance funds. Credit unions (other than Federal credit unions which are exempt under section 101 (15)) without capital stock organized and operated for mutual purposes and without profit are exempt from tax under section 101 (4). Corporations or associations without capital stock organized prior to September 1, 1951, and operated for mutual purposes and without profit for the purpose of providing reserve funds for and insurance of shares or deposits in

(a) Domestic building and loan associations as defined in section 3797 (a)

(19)

(b) Cooperative banks without capital stock organized and operated for mutual purposes and without profit, or

(c) Mutual savings banks not having capital stock represented by shares,

are exempt from tax under section 101 (4). PAR. 7. There is inserted immediately

preceding § 29.23 (k) (1)-1 the follow-SEC. 313. MUTUAL BAVINGS BANKS, BUILDING

AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(e) Bad debt reserves. Section 23 (k) (1) (relating to deduction from gross income of bad debts) is hereby amended by adding at the end thereof the following: "In the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative

bank without capital stock organized and operated for mutual purposes and without profit, the reasonable addition to a reserve for bad debts shall be determined with due regard to the amount of the taxpayer's surplus or bad debt reserves existing at the close of December 31, 1951. In the case of a tax-payer described in the preceding sentence, the reasonable addition to a reserve for had debts for any taxable year shall in no case be less than the amount determined by the taxpayer as the reasonable addition for such year; except that the amount determined by the taxpayer under this sentence shall not be greater than the lesser of (A) the amount of its not income for the taxable year, computed without regard to this subsection, or (B) the amount by which 12 per centum of the total deposits or withdrawable accounts of its depositors at the close of such year exceeds the sum of its surplus, undivided profits, and reserves at the beginning of the taxable year."

 (j) Efective date. The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

PAR. 8. Section 29.23 (k)-5 is amended as follows:

(A) By changing the headnote thereof to read as follows:

§ 29.23 (k)-5 Reservé for bad debts—
(a) Taxpayers other than mutual savings banks, building and loan associations and cooperative banks.

(B) By redesignating paragraphs (a) and (b) as subparagraphs (1) and (2) of paragraph (a).

(C) By inserting at the end thereof the following new paragraph:

(b) Mutual savings banks, building and loan associations, and cooperative banks-(1) In general. For taxable years beginning after December 31, 1951 a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit may, as an alternative to a deduction from gross income for specific debts which become worthless in whole or in part deduct amounts credited to a reserve for bad debts in the manner and under the circumstances prescribed in this section. In the case of such an institution the selection of either of the alternative methods for treating bad debts may be made by the taxpayer in the return for its first taxable year beginning after December 31, 1951. The method selected shall be subject to the approval of the Commissioner upon examination of the return. Any change in the method so selected and approved may be made only if permission is granted as provided in § 29.23 (k)-1 (a).

(2) Definitions. When used in this paragraph:

(i) The term "institution" means either a mutual savings bank not having capital stock represented by shares, a domestic building and loan association as defined in section 3797 (a) (19), or a cooperative bank without capital stock organized and operated for mutual purposes and without profit.

(ii) "Surplus, undivided profits, and reserves" means the amount by which the total assets of an institution exceed

the amount of the total liabilities of such an institution. For this purpose the term "total assets" means the sum of money, plus the aggregate of the adjusted basis of the property other than money held by an institution. Such adjusted basis for any asset is its adjusted basis for determining gain upon sale or exchange for Federal income tax purposes. (See, in general, section 113 and the regulations prescribed thereunder. For special rules with respect to adjustments to basis for prior taxable years during which the institution was exempt from tax, see § 29.113 (b) (1)-4.) The determination of the total assets of any taxpayer shall conform to the method of accounting employed by such taxpayer in determining net income and to the rules applicable in determining its earnings and profits. The term "total liabil-ities" means all liabilities of the taxpayer, which are fixed and determined, absolute and not contingent, and includes those items which constitute liabilities in the sense of debts or obligations. The obligation of an institution with respect to its deposits or withdrawable accounts is a liability. In the case of a building and loan association having permanent nonwithdrawable capital stock represented by shares, the value of such stock shall not be considered a liability. Reserves for contingencies and other reserves which are mere appropriations of surplus are not liabilities.

(iii) The term "surplus or bad debt reserves existing at the close of December 31, 1951" means the amount of surplus, undivided profits, and reserves accumulated by the institution prior to January 1, 1952, and in existence at the close of

December 31, 1951.

(iv) The term "total deposits or with-drawable accounts" means the aggregate of (a) amounts placed with an institution for deposit or investment which are withdrawable on demand subject only to customary notice of intention to withdraw, and (b) earnings outstanding on the books of account of the institution at the close of the taxable year which have been credited as dividends or interest upon such accounts prior to the close of the taxable year, which are withdrawable on demand subject only to customary notice of intention to withdraw.

(3) Institutions with surplus, reserves, and undivided profits in an amount less than 12 percent of total deposits or withdrawable accounts. Where 12 percent of the total deposits or withdrawable accounts of an institution at the close of the taxable year exceeds the sum of its surplus, undivided profits, and reserves at the beginning of the taxable year, there is allowable as a deduction from gross income as an addition to a reserve for bad debts any amount determined by the taxpayer not exceeding the lesser of:

 The amount of the net income of such institution for the taxable year computed without regard to section 23
 (k) (1) or.

(ii) The amount by which 12 percent of the total deposits or withdrawable accounts at the close of the taxable year exceeds the sum of the institution's surplus, undivided profits, and reserves at the beginning of the taxable year.

Recoveries of debts charged off during

a prior taxable year (whether or not the institution was exempt from tax for such year) shall be credited to the bad debt reserve. Bad debt losses sustained during the taxable year shall be charged against the bad debt reserve. The establishment of such reserve and all adjustments made thereto must be reflected on the regular books of account of the institution. For the purpose of this paragraph minimum amounts credited in compliance with mandatory Federal or State statutes or regulations to reserve or similar accounts against which charges may be made for the sole purpose of absorbing losses sustained by an institution will be deemed to have been credited to the bad debt reserve authorized under this paragraph.

Example. On December 31, 1952, Institution A, which keeps its books on the basis of the calendar year, has withdrawable accounts of \$10,000,000, all of which amount is insured by an agency of the Federal Government, The surplus, reserves, and undivided profits of Institution A at the opening of business on January 1, 1952, total \$800,000. A regulation of a Federal agency requires that at the close of the taxable year an amount equal to 0.3 percent of the value of the insured accounts be credited by Institution A to a Federal insurance reserve for the sole purpose of absorbing losses. A statute of State in which Institution A is located requires that not less than 5 percent and not more than 25 percent of the net profits of Institution A be credited at the close of the taxable year to a "reserve fund" for the sole purpose of absorbing losses. It is assumed for the purpose of determining the amount to be credited to the State reserve fund that "not less than 5 percent of the net profits" of Institution A for the taxable year 1952 amounts to \$5,000.

Prior to the taxable year Institution A did not maintain a reserve for bad debts. During 1952 Institution A sustained bad debt losses of \$5,000 and recovered \$10,000 from bad debts charged off in prior years. The net income of Institution A for the taxable year 1952 (computed under chapter 1 without regard to section 23 (k) (1) is \$200,000.

The books of account of Institution A show

The books of account of Institution A show credits for the taxable year 1952 to the following reserves:

 State reserve fund
 \$10,000

 Federal insurance reserve
 30,000

 Bad debt reserves
 65,000

 Miscellaneous reserves
 15,000

There is allowable as a deduction from the gross income of Institution A for the taxable year 1952 \$100,000 (\$65,000 credited to the bad debt reserve, \$30,000 credited to the Federal insurance reserve, and \$5,000 representing the minimum amount required by the State statute, credited to the State reserve fund).

Assuming that Federal taxes for 1952 amount to \$52,000 on net income of \$100,000, the amount credited to the surplus account for 1952 will be \$28,000, that is \$48,000 less the sum of the \$15,000 credited to miscellaneous reserves and \$5,000 credited to State reserves for which no bad debt deduction was allowable. Consequently, the surplus, undivided profits, and reserves of Institution A, amounting to \$800,000 at the close of December 31, 1951, as increased by amounta credited to these accounts for 1952, will total \$953,000 at the close of December 31, 1952, computed as follows:

Surplus, reserves, and undivided profits at close of Dec. 31, 1951._ \$800,000 Amount credited to miscellanous reserve accounts for 1952.______ 15,000

Amount credited to State reserve

10,000

Amount credited to Federal insur- ance reserve for 1952	\$30,000 28,000 0
Amount credited to reserve for bad debt for 1952	65, 000 10, 000
Less: Bad debt losses sustained during 1952	75, 000 5, 000
Bad debt reserve at close of Dec. 31,	70,000

Surplus, undivided profits and re-

serves existing at close of Dec. 31,

953,000

(4) Institutions with surplus, reserves, and undivided profits equal to or in excess of 12 percent of deposits or withdrawable accounts. Where 12 percent of the total deposits or withdrawable accounts of an institution at the close of the taxable year is equal to or less than the sum of such institution's surplus, undivided profits and reserves at the beginning of the taxable year, there may be allowable as a deduction from gross income a reasonable addition to the reserve for bad debts determined under the general provisions of paragraph (a) of this section. In making such determination there will be taken into account (i) surplus, or bad debt reserves existing at the close of December 31, 1951, and (ii) accretions to the surplus, undivided profits, and reserves of the institution from December 31, 1951, until the beginning of the taxable year. Deductions for additions to the reserve for bad debts, in addition to the deductions allowed, if any, under subparagraph (3) of this paragraph, will be authorized in those cases where the institution proves to the satisfaction of the Commissioner that the bad debt experience of the institution warrants the maintenance of a bad debt reserve in excess of that provided in subparagraph (3) of this paragraph.

Pag. 9. There is inserted immediately after § 29.113 (b) (1)-3 the following new section:

\$ 29.113 (b) (1)-4 Adjusted basis: Mutual savings banks, building and loan associations, and cooperative banks. (a) The adjustments to the cost or other basis of property provided in section 113 (b) and § 29.113 (b) (1)-1 to § 29.113 (b) (1)-3, inclusive, are applicable in the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit, although such institutions were exempt from tax for taxable years beginning prior to January 1, 1952. Proper adjustment must be made under section 113 (b) for the entire period since the acquisition of property. Thus, adjustment to basis must be made for depreciation allowable for all prior taxable years although such institution may have been exempt from tax during such period. Similarly, in the case of tax exempt and partially taxable bonds purchased at a premium and sub-

ject to amortization under section 125, proper adjustment to basis must be made to reflect amortization with respect to such premium from the date of acquisition of the bond.

Example. On January 1, 1952, Z a mutual savings bank, which keeps its books on a calendar year basis, owns a tax-exempt \$1,000 noncallable bond maturing on January 1, 1962. Such bond was acquired by Z on January 1, 1932, for \$1,300. It was sold by Z on December 31, 1952, for \$1,250. The yearly rate of amortization of the premium, determined by dividing the total premium of \$300 by the life of the bond (30 years) is \$10. Z realizes a gain of \$60 from such sale computed as follows:

	New York
(2) Amount of bond premium attrib- utable to years 1942 through 1951,	ET III
during which Z was exempt from tax (\$10 times 10 years)	100
tized from Jan. 1, 1952 through Dec. 31, 1952 (810 times 1 year)	10

(1) Cost of bond \$1,300

basis (aggregate of (2) and (3))... 110
(5) Adjusted basis of bond at close of 1952 ((1) reduced by (4))..... 1, 190

(4) Total amount of adjustments to

(6) Gain realized upon sale. Excess of sale price over adjusted basis (\$1,250 minus \$1,190) _______ 60

The basis of a fully taxable bond purchased at a premium shall be adjusted from the date of the election to amortize such premium in accordance with the provisions of section 125 in the same manner as if the institution were subject to tax from the date of acquisition of the bond.

(b) In the case of a mortgage purchased at a premium where the principal of such mortgage is payable in installments, adjustments to the basis of the premium must be made for all taxable years (whether or not the institution was exempt from tax during such years) in which installment payments are received. Such adjustment shall be an amount which is equal to the proportion of the premium which each installment payment on principal bears to the face value of the mortgage loan. For the purpose of this adjustment, the term "premium" includes the amount of cash paid in excess of the face amount of the loan, attorneys' fees, brokerage commissions, and all other costs directly attributable to the acquisition of the mortgage.

Pag. 10. There is inserted immediately preceding section 23 (s) the following:

Sec. 313, MUTUAL BAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1851, APPROVED OCTOBER 20, 1951).

(f) Dividends paid to depositors. Section 23 (r) (relating to the deduction from gross income of certain dividends paid by banking corporations) is hereby amended to read as follows:

(r) Dividends paid by banking corporations. (1) In the case of mutual savings banks, cooperative banks, and domestic building and loan associations, amounts paid to, or credited to the accounts of, depositors or holders of accounts as dividends on their deposits or withdrawable accounts, if such amounts paid or credited are withdrawable

on demand subject only to customary notice of intention to withdraw.

of intention to withdraw.

(2) For deduction of dividends paid by certain other banking corporations, see section 121.

(j) Effective date. The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

§ 29.23 (r)-1 Dividends paid by mutual savings banks, building and loan associations, and cooperative banks—(a) In general. (1) A mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit may deduct from gross income amounts which during the taxable year are paid to or credited to the accounts of depositors or holders of accounts, as dividends on their deposits or withdrawable ac-counts, if such amounts paid or credited are withdrawable on demand subject only to customary notice of intention to withdraw. If such an institution has the right to receive 30 days notice prior to the withdrawal of a deposit or of any amounts paid or credited to the account thereof, the amounts credited will nevertheless be considered as withdrawable on demand subject only to customary notice of intention to withdraw.

(2) The deduction provided in section 23 (r) (1) is applicable to the taxable year in which amounts credited as dividends become withdrawable by the depositor or holder of account subject only to customary notice of intention to withdraw. Thus, amounts credited as dividends as of the last day of the taxable year which are not withdrawable by depositors or holders of accounts until the business day next succeeding are deductible under this section in the year subsequent to the taxable year in which they were credited. Similarly, amounts credited as dividends, otherwise deductible under this section, which are subject to the terms of an agreement whereby the dividend is pledged to secure the payment of a mortgage made by the depositor or holder of account with the institution are deductible under section 23 (r) (1) in the year in which such amounts become released from the terms of the pledge agreement. In the case of a building and loan association having nonwithdrawable capital stock represented by shares, no deduction is allowable under this section for amounts paid or credited as dividends on such shares,

(b) Serial associations, bonus plans, etc. (1) In the case of a building and loan association which operates in whole or in part as a serial association, which maintains bonus plans, which issues shares subject to fines, penalties, or forfeitures, or which operates in any other manner whereby the dividend rate payable is dependent upon investment in the institution of specified sums for a stipulated period, no portion of any amount credited as dividends upon such shares, in excess of amounts withdrawable during the taxable years subject only to customary notice of intention to withdraw is deductible under section 23

(r) (1).

(2) The application of this paragraph may be illustrated by the following example:

Example. Building and Lean Association B, which operates as a serial association, maintains a "Divided Profits Account" amounting to \$100,000 at the close of the taxable year. Of this amount, \$70,000 represents earnings accumulated in prior years upon such series shares which are withdrawable on demand subject only to customary notice of intention to withdraw, and \$30,000 of such amount represents earnings which may accrue to serial shares during succeeding taxable years as the shares, if not earlier withdrawn, approach maturity. There is deductible from the gross income of B under section 23 (r) \$70,000 for the taxable year. As to the remaining \$30,000, so much of it is deductible as becomes withdrawable in the taxable year on demand subject only to customary notice of intention to withdraw.

§ 29.23 (r)-2 Dividends paid by certain banking corporations other than mutual savings banks, building and loan associations, and cooperative banks. For deduction of dividends paid by certain banking corporations other than mutual savings banks, building and loan associations, and cooperative banks, see section 121.

PAR. 11. There is inserted immediately after § 29.23 (bb)-1, as added by Treasury Decision 5873, approved December 7, 1951, the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

- (g) Deduction for repayment of certain loans. Section 23 (relating to deductions from gross income) is hereby amended by adding at the end thereof the following:
- (dd) Repayment by mutual savings banks, etc., of certain loans. In the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank without capital stock organized and operated for mutual purposes and without profit, amounts paid by the taxpayer during the taxable year in repayment of loans made prior to September 1, 1951, by (1) the United States or any agency or instrumentality thereof which is wholly owned by the United States, or (2) any mutual fund established under the authority of the laws of any State.
- (j) Effective date. The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

§ 29.23 (dd)-1 Repayment of certain loans by mutual savings banks, building and loan associations, and cooperative banks. For taxable years beginning after December 31, 1951, there shall be deductible under section 23 (dd) from the gross income of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank without capital stock organized and operated for mutual purposes and without profit, amounts paid to the United States or any agency or instrumentality thereof which is owned by the United States, and amounts paid to a mutual fund established under the authority of the laws of any State in repayment of loans made prior to September 1, 1951. For example, amounts paid by such institutions to the Reconstruction Finance Corporation in repayment of a loan made prior to September 1, 1951, are deductible under this section.

PAR. 12. There is inserted immediately preceding section 111 the following:

Sec. 346. Life insurance departments of mutual savings banks (revenue act of 1951, approved october 20, 1951).

(a) Computation of tax. Supplement A of chapter 1 is hereby amended by adding at the end thereof the following new section:

Sec. 110. MUTUAL SAVINGS BANKS CONDUCT-ING LIPE INSURANCE BUSINESS.

(a) Alternative tax. In the case of a mutual savings bank not having capital stock represented by shares, authorized under State law to engage in the business of issuing life insurance contracts, and which conducts a life insurance business in a separate department the accounts of which are maintained separately from the other accounts of the mutual savings bank, there shall be levied, collected, and paid, in lieu of the taxes imposed by sections 13 and 15, or section 117 (c) (1), a tax consisting of the sum of the partial taxes determined under paragraphs (1) and (2):

(1) A partial tax computed upon the net income determined without regard to any items of gross income or deductions properly allocable to the business of the life insurance department, at the rates and in the manner as if this section has not been exacted, and

as if this section has not been enacted; and
(2) A partial tax computed upon the net
income (as defined in section 201 (c) (7)) of
the life insurance department determined
without regard to any items of gross income
or deductions not properly allocable to such
department, at the rates and in the manner
provided in Supplement G with respect to
life insurance companies.

(b) Limitations of section. The provisions of subsection (a) shall be applicable only if the life insurance department would, if it were treated as a separate corporation, qualify as a life insurance company under section 201 (b).

(c) Effective date. The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

§ 29.110-1 Mutual savings bank conducting life insurance business—(a) Scope of application. Section 110 is applicable in the case of a mutual savings bank not having capital stock represented by shares which conducts a life insurance business, if

 The conduct of such business is authorized under State law.

(2) The life insurance business is carried on in a separate department of the bank.

(3) The books of account of the life insurance business are maintained separately from other departments of the bank, and

(4) The life insurance department of the bank, were it separately incorporated, would qualify as a life insurance company under section 201 (b).

(b) Computation of tax. In the case of a mutual savings bank conducting a life insurance business to which section 110 is applicable, the tax upon such bank consists of the sum of the following:

(1) A partial tax computed under sections 13 and 15 upon the net income of the bank determined without regard to any items of income or deduction prop-

erly allocable to the life insurance department.

(2) A partial tax upon the net income of the life insurance department determined without regard to any items of income or deduction not properly allocable to such department at the rates and in the manner provided in Supplement G with respect to life insurance companies,

PAR. 13. There is inserted immediately preceding § 40.454-1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPEOVED OCTOBER 20, 1951).

- (c) Exemptions from excess profits tax. Section 454 (corporations exempt from the excess profits tax) is hereby amended by adding at the end thereof the following:
- (h) Any mutual savings bank not having capital stock represented by shares, any domestic building and loan association (as defined in section 3797 (a) (19)), and any cooperative bank without capital stock organized and operated for mutual purposes and without profit.
- (j) Effective date. The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

Par. 14. Section 40.454-1 is amended by striking from the first sentence of paragraph (e) thereof the words "or (g)" and by inserting in lieu thereof the words "(g), or (h)."

[F. R. Doc. 52-7194; Filed, June 27, 1952; 10:33 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

17 CFR Part 301 1

GYPSY MOTH AND BROWN-TAIL MOTH

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to section 8 of the Piant Quarantine Act of 1912, as amended (7 U. S. C. 161), is considering amending §§ 301.45, 301.45-1 (e), 301.45-2, 301.45-3 (b), 301.45-4 (c), 301.45-5, 301.45-7, and 301.45-8 of Notice of Gypsy Moth Quarantine No. 45 and regulations supplemental thereto (7 CFR 301.45 et seq.), in the following respects:

1. Amend § 301.45 by deleting therefrom the articles designated in paragraphs (b) and (c), and substituting therefor the following: "(b) timber and timber products; (c) plants having persistent woody stems and parts thereof, including Christmas trees."

2. Amend § 301.45-1 (e) by deleting the words "on the western periphery," placing a period after the word "infestations," and deleting the words "in this area."

3. Amend § 301.45-2 as follows:

a. Delete the present language of the paragraph designating certain counties and towns in Connecticut as regulated area, and substitute therefor the following:

Connecticut. Counties of Hartford, Middlesex, New London, Tolland and Windham; towns of Barkhamsted, Bethlehem, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Kent, Litchfield, Morris, New Hartford, Nor-folk, North Canaan, Plymouth, Roxbury, Sallsbury, Sharon, Thomaston, Torrington, Washington, Warren, Watertown, Winches-ter, Woodbury, in Litchfield County; towns of Ansonia, Beacon Falls, Bethany, Branford, Cheshire, Derby, East Haven, Guilford, Ham-den, Madison, Meriden, Middlebury, Naugatuck, New Haven, North Branford, North Haven, Orange, Prospect, Seymour, Walling-ford, Waterbury, West Haven, Wolcott, and Woodbridge, in New Haven County.

b. Delete the present language of the paragraph designating certain towns in Connecticut as suppressive area, and substitute the following:

(a) The suppressive area:

Connecticut, Towns of Bethlehem, Ca-naan, Cornwall, Goshen, Kent, Litchfield, Morris, Norfolk, North Canaan, Roxbury, Salisbury, Sharon, Washington, Warren, and Woodbury, in Litchfield County; towns of Ansonia, Beacon Falis, Bethany, Derby, East Haven, Hamden, Middlebury, Naugatuck, New Haven, Orange, Prospect, Seymour, West Haven, and Woodbridge, in New Haven

- 4. Amend § 301.45-3 by deleting the present language of § 301,45-3 (b) (1) and § 301,45-3 (b) (2), and substituting therefor the following:
- (1) Timber and timber products, including lumber, planks, poles, logs, cordwood, pulpwood, and similar materials.
- Plants having persistent woody stems and parts thereof, including Christmas trees.
- 5. Amend § 301.45-4 (c) by deleting the present language of this section and substituting therefor the following:
- (c) Contingent restrictions on movement between points within the suppressive area. Whenever it is determined by the Chief of the Bureau of Entomology and Plant Quarantine that control or eradication of the gypsy moth in any section of the suppressive area is being hampered or jeopardized through movement of regulated articles into such sections, the Chief of the Bureau may, after appropriate notice, require inspection and certification, as provided in § 301.45-5 (a), for any or all regulated articles moving into such designated sections from other parts of the suppressive area.
- 6. Amend § 301.45-5 by deleting the present language of this section, and substituting therefor the following:

§ 301.45-5 Conditions governing the issuance of certificates and permits-(a) Certificates. Certificates may be issued for the interstate movement of regulated articles under one or more of the following conditions: (1) When, in the judgment of the inspector, they have not been exposed to infestation; (2), when they have been inspected and found apparently free from infestation; (3) when they have been treated by approved methods under the observation of an inspector; and (4) when they have been grown, produced, manufactured, stored or handled in such a manner that, in the judgment of the inspector,

no infestation could be transmitted thereby: Provided, That subsequent to certification, the regulated articles must be safeguarded against reinfestation as

required by the inspector.

(b) Limited permits. Limited permits may be issued for the movement of noncertified, regulated articles to specified destinations for specified processing, handling, or utilization. Persons shipping, transporting or receiving such articles may be required to enter into written agreements to maintain such safeguards against the establishment and spread of infestation as may be required by the inspector.

(c) Cancellation of certificates or limited permits. Certificates or limited permits issued under these regulations may be withdrawn or canceled by the inspector and further certificates or limited permits refused whenever, in his judgment, the further use of such certificates or permits might result in the dissemination of infestation.

7. Amend § 301.45-7 by deleting the present language of this section, and substituting therefor the following:

§ 301.45-7 Assembly of regulated articles for inspection. Persons intending to move interstate any of the articles covered by these regulations shall make application for certification as far in advance as possible and may be required to prepare and assemble materials at such points and times and in such manner as the inspector shall designate, so that thorough inspection may be made, or approved treatments applied. Articles to be inspected as a basis for certification must be in such condition as permits adequate inspection. The United States Department of Agriculture will not be responsible for any cost incident to inspection, treatment, or certification other than the services of the inspector and will be responsible for no injury incident thereto.

8. Amend § 301.45-8 by deleting the present language of this section, and substituting therefor the following:

§ 301.45-8 Marking. Every regulated article or container of regulated articles intended for interstate movement shall be plainly marked with the name and address of the consignor and the name

and address of the consignee, when offered for shipment, and shall have securely attached to the outside thereof a valid certificate or limited permit issued in compliance with these regulations: Provided, That for lot shipments one certificate or limited permit may be attached to one article or container of each shipment and another to the accompanying waybill, and for carlot freight or express shipments, either in containers or in bulk, a certificate or limited permit need be attached to the waybill only. For movement by road vehicle, a certificate or limited permit shall accompany the vehicle and, except when transportation is by common carrier, it shall be surrendered to consignee upon delivery of shipment.

The purpose of the proposed amendment of § 301.45 is to rephrase and simplify the items that are subject to quarantine.

The proposed amendment of § 301.45-2 would add to the regulated area in Connecticut the towns of Bethlehem, Roxbury, Washington, Watertown, and Woodbury, in Litchfield County, and the towns of Ansonia, Beacon Falls, Bethany, Cheshire, Derby, East Haven, Hamden, Middlebury, Naugatuck, New Haven, Orange, Prospect, Seymour, Wallingford, West Haven, and Woodbridge, in New Haven County. This amendment also adds to the suppressive area in Connecticut all of the above-mentioned towns with the exception of Watertown, in Litchfield County, and Cheshire and Wallingford, in New Haven County. These three towns would be added to the

generally infested area. It is further proposed to amend \$ 301.45-3 in conformity with changes proposed in the notice of quarantine, and to rephrase §§ 301.45-1 to 301.45-5, inclusive, 301.45-7, and 301.45-8, in a number of minor respects in the interest of clarity and improved efficiency of quar-

antine operation.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 141, 143, 161)

Done at Washington, D. C., this 26th day of June 1952.

CHARLES F. BRANNAN, [SEAL] Secretary of Agriculture.

[F. R. Doc. 52-7151; Filed, June 30, 1952; 8:52 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Forest Service

CONECUH, DESOTO, BIENVILLE, KISATCHIE, ANGELINA, AND SABINE NATIONAL FOR-

REMOVAL OF TRESPASSING HOGS

Whereas a number of hogs are trespassing and grazing on lands fenced for reforestation purposes on the Conecuh National Forest in Alabama, the DeSoto and Bienville National Forests in Mississippi, the Kisatchie National Forest in

Louisiana, and the Angelina and Sabine National Forests in Texas; and

Whereas these hogs are injuring and causing mortality to pine trees on these fenced national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628; 16 U.S. C. 472), the following order is issued for the occupancy, use, protection, and administration of the Conecuh National Forest in Alabama; the DeSoto and Bienville National Forests in Mississippi;

the Kisatchie National Forest in Louisiana; and the Angelina and Sabine Na-

tional Forests in Texas:

Temporary closure from livestock grazing. (a) The fenced areas on the Conecuh, DeSoto, Bienville, Kisatchie, Angelina, and Sabine National Forests are hereby closed to the grazing of hogs for the period beginning January 1, 1953, and ending December 31, 1962.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all hogs found trespassing or grazing in

violation of this order.

(c) Public notice of intention to dispose of such hogs shall be given by posting notices in public places or advertising in a newspaper of general circulation in the localities in which the Conecuh, De-Soto, Bienville, Kisatchie, Angelina, and Sabine National Forests are located.

Done at Washington, D. C., this 26th day of June 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CHARLES F. BRANNAN, Secretary of Agriculture.

[F. R. Doc. 52-7152; Filed, June 30, 1952; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5067 et al.; Order Serial No. E-65481

RATES AND FARES BETWEEN VICINITIES OF PORTLAND, OREG., AND SEATTLE, WASH., AND FAIRBANKS AND ANCHORAGE, ALASKA

> ORDER OF INVESTIGATION AND CONSOLIDATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of June 1952.

The Board is investigating certain rates and fares relating to air transportation between the vicinities of Portland, Oregon, and Seattle, Washington, on the one hand, and Fairbanks and Anchorage, Alaska, on the other, in Docket No. 5067. (Orders Serial Nos. E-5591, E-5752, E-5801, E-6215, E-5845, E-6140, E-6152, E-6263, E-6457, E-6464, and E-6489.)

Alaska Airlines, Inc., having moved to expand the scope of the investigation herein to include all passenger fares on file or to be filed at the time final order is entered herein by all air carriers between the vicinities of Portland, Oreg. and Seattle, Wash., on the one hand, and Anchorage and Fairbanks, Alaska, on the other, and all Large Irregular Air Carriers and parties to the proceeding having been given an opportunity to interpose objections but no person having so objected; the Board finds that:

(a) Prescription of a passenger fare order binding upon all air carriers presently having on file with the Board tariffs affecting air transportation of passengers between the vicinities of Portland, Oreg., and Seattle, Wash., on the one hand, and Anchorage and Fairbanks, Alaska, on the other, may be necessary to insure economic stability in air transportation between these points;

(b) That so much of Alaska's motion as pertains to tariffs not yet on file with the Board does not present a proper subject for investigation at this time;

(c) The rates, fares, and other provisions contained in the tariffs described in Appendix A set forth below may be unlawful for the reason, among others, that they may not show a proper balance between the cost of service, value of service and developmental factors required for a proper growth of air transportation between the points in issue herein;

(d) The proper disposition of Docket No. 5067 requires consideration of the issues presented by the tariffs described

in Appendix A.

Therefore, acting pursuant to the Civil Aeronautics Act of 1938, as amended, and particularly sections 205 (a); 403, 404, and 1002 thereof; It is ordered, That:

(a) An investigation be instituted to determine whether the rates, fares, and other provisions which apply from, to, or between the vicinities of Portland, Oregon, and Seattle, Washington, on the one hand, and Fairbanks and Anchorage, Alaska, on the other, contained in Appendix A may be unjust or unreasonable, unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates, fares, and other provisions;

(b) This investigation be assigned Docket No. 5619 and be consolidated into

Docket No. 5067;

(c) A copy of this order be served on all parties to Docket No. 5067, on those persons named in Appendix A and be published in the FEDERAL REGISTER; and

(d) That to the extent not previously granted herein the motion of Alaska Airlines, Inc., be and it hereby is denied.

By the Civil Aeronautics Board.

M. C. MULLIGAN,

APPENDIX A

Secretary.

Fares, charges, rates, and other provisions between the vicinities of Anchorage and Fairbanks, Alaska, on the one hand, and Portland, Oreg., and Seattle, Wash., on the other, published in the tariffs and via the carriers named.

Agent John J. Klak's C. A. B. No. 2

Aviation Corporation of Seattle. Argonaut Airways Corp. Air Cargo Express, Inc. Biatz Airlines, Inc. California Air Charter, Inc. Coastal Cargo Co., Inc. General Airways, Inc. Meteor Air Transport, Inc. Monarch Air Service. Peninsular Air Transport. S. S. W., Inc. Unit Export Co., Inc. World Airways, Inc.

Agent John J. Klak's C. A. B. No. 4

Modern Air Transport, Inc	
Aero Finance Corp.	C. A. B. No. 5.
Air Services, Inc.	C. A. B. No. 4.
Arctic-Pacific, Inc.	C. A. B. No. 2.
Arnold Air Service, Inc	C. A. B. No. 2.
Associated Air Transport, Inc.	
Federated Airlines, Inc.	
Freight Air, Inc	
Great Lakes Airlines, Inc	
Lavery Airways, Inc.	
Miami Airline, Inc.	
New England Air Express, Inc.	

Agent John J. Klak's C. A. B. No. 4-Continued

Overseas National Airways	C. A. B. No. 1.
Pearson Alaska, Inc	C. A. B. No. 3.
Royal Air Service	
Sourdough Air Transport	
Southern Air Transport, Inc	
Standard Air Cargo	
Trans-Alaskan Airlines, Inc	
Trans-Ocean Air Lines	C. A. B. No. 12.

[F. R. Doc. 52-7166; Filed, June 30, 1952; 8:55 a. m.1

[Docket No. 5233 et al.]

TRANS-TEXAS RENEWAL CASE, SEGMENTS 2 AND 6

NOTICE OF HEARING

In the matter of the application of Trans-Texas Airways, for renewal of Segments 2 and 6 of its route No. 82.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on July 22, 1952, at 10:00 a.m., in the Chamber of Commerce Building, Corpus Christi, Tex., before Examiner Walter W. Bryan.

Without limiting the scope of the issues presented by the applications consolidated and the Board's orders entered in the proceeding, particular attention will be directed to the following matters:

1. Do the public convenience and necessity require and should the Board

order:

(a) Renewal, in whole or in part, of the temporary certificate of public convenience and necessity of Trans-Texas Airways, for Segments 2 and 6 of its route No. 82, with or without modifications, for additional period of 5 years from March 31, 1952, or for such other period of time as the Board may determine (Docket No. 5233).

(b) Suspension of the certificate of public convenience and necessity of Braniff Airways, Inc., for route No. 9, insofar as such certificate authorizes service to Brownsville, Corpus Christi, and Laredo, Tex., for such period of time as the Board may determine (Docket No.

5259).

(c) Suspension of the certificate of Eastern Air Lines, Inc., for route No. 5, insofar as such certificate authorizes service to Brownsville and Corpus Christi, for such period of time as the Board may determine (Docket No. 5259).

(d) Amendment of Trans-Texas certificate to designate Laredo, Tex., as a co-terminal point with the existing terminal point Mission/McAllen/Edinburg, Tex., on segment 6 of its route No. 82. (Docket No. 4951.)

(e) Amendment of Trans-Texas certificate to redesignate the intermediate point Harlingen, Tex., on segment 2 of its route No. 82, as Harlingen/San Benito, Tex. (Docket No. 4414). (f) Amendment of Trans-Texas cer-

tificate, segment 1 of its route No. 82, so as to authorize air transportation to Crystal City, Tex., as an intermediate point on said route (Crystal City Application, Docket No. 5085).

2. Is Trans-Texas a citizen of the United States within the provisions of the act, and is it fit, willing, and able to perform the service under the amended certificate of public convenience and necessity as proposed?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and amendments thereto, the prehearing conference report, petitions, motions, and orders entered in the proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before July 22, 1952, a statement setting forth such relevant propositions of fact or law on which he desires to be heard.

Dated at Washington, D. C., June 26, 1952.

By the Civil Aeronautics Board.

FRANCIS W. BROWN, [SEAL] Chief Examiner.

[F. R. Doc. 52-7168; Filed, June 30, 1952; 8:56 a. m.l

[Docket Nos. 5540, 5541] EMPRESA DE TRANSPORTES AEROVIAS

BRAZIL, S. A. NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Empresa de Transportes Aerovias Brazil, S. A., under section 402 of the Civil Aeronautics Act of 1938, as amended, for an amendment of its foreign carrier permit so as to add San Juan, Puerto Rico, and Ciudad Bolivar, Venezuela, as intermediate points on its route.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding now assigned for July 8, 1952, is hereby indefinitely postponed at the request of applicant.

Dated at Washington, D. C., June 26, 1952

[SEAL]

FRANCIS W. BROWN. Hearing Examiner.

[F. R. Doc. 52-7167; Filed, June 30, 1952; 8:56 a. m.)

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CALIFORNIA

NOTICE FOR FILING OBJECTIONS TO ORDER RESERVING PUBLIC LAND FOR USE OF UNITED STATES ATOMIC ENERGY COMMIS-

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the or-

der may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES, Acting Secretary of the Interior.

JUNE 24, 1952.

[F. R. Doc. 52-7159; Filed, June 30, 1952; 8:53 a. m.

DEFENSE PRODUCTION **ADMINISTRATION**

[D. P. A. Request No. 49-DPAV-38]

REQUEST TO METAL PRODUCTS COMPANY PRODUCTION POOL TO OPERATE AS SMALL BUSINESS ENTERPRISE PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH Poot

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to Metal Products Company Production Pool to operate as a small business enterprise production pool and the request to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration. The voluntary program in accordance with which the pool shall operate has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO METAL PRODUCTS COMPANY PRODUCTION POOL

You are requested to operate as a small business enterprise production pool in accordance with the voluntary program as set forth in the papers submitted to the Ad-ministrator, Small Defense Plants Administration, Washington, D. C.

In my opinion, the operations of your association as a small business enterprise production pool will assist in the accomplish-ment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense. You may commence your operations thereunder as a small business enterprise production pool upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that your operations are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours, HENRY H. FOWNER, Administrator. REQUEST TO COMPANIES

You are requested to participate in the operations of Metal Products Company Production Pool, Nashville, Tennessee, which will operate as a small business enterprise production seed to be a small business enterprise production and the contraction of the contra production pool in accordance with the voluntary program as set forth in the papers submitted by it to the Administrator, Small Defense Plants Administration, Washington,

In my opinion, your participation in the operations of this small business enterprise production pool will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, sentatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contribut-ing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Fedcrai antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, providing that the operations of this production pool and your participation therein are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be

appreciated.

Sincerely yours,

HENRY H. FOWLER, Administrator.

Metal Products Company Production Pool accepted the request set forth above to operate as a small business enterprise production pool.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

America & Southern Corp., 1000 Sixth Avenue South, Nashville, Tenn.

Englert Engineering Co., 805 Sixth Avenue North, Nashville, Tenn.

Kusan, Inc., 2716 Franklin Road, Nashville, Tenn.

Metal Products Co., Craighead Street, Nashville, Tenn,

Nashville Armature Co., 303 Eighth Avenue South, Nashville, Tenn.

Nashville Bridge Co., P. O. Box 239, Nashville, Tenn.

Nashville Silver Plating Co., 104 Eighteenth Avenue North, Nashville, Tenn.

Noland Tank & Galvanizing Co., Merritt Avenue, Nashville, Tenn.

Oglesby Machine Co., Craighead Street, Nashville, Tenn.

Precision Parts Corp., 402 North First Street, Nashville, Tenn.

Southern Finishers, Inc., 211 Second Avenue South, Nashville, Tenn.

Temco, Inc., 4104 Park Avenue, Nashville, Tenn. Tennessee Aircraft, Inc., P. O. Box 1285,

Berry Field, Nashville, Tenn.

Fred D. Wright Co., Inc., 316 Howerton Street, Nashville, Tenn.

Vanderbilt University, School of Engineering, Nashville, Tenn.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.

Dated: June 27, 1952.

HENRY H. FOWLER, Administrator.

[F. R. Doc. 52-7290; Filed, June 30, 1952; 11:27 a. m.]

See F. R. Doc. 52-7158, Title 43, chapter I, Appendix, supra.

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 112]

WARNER ROBINS, GEORGIA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION I. Authority. This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. Determination. In view of the joint determination and certification by the Acting Secretary of Defense and the Acting Director of Defense Mobilization, dated June 20, 1952, that the Warner Robins, Georgia, area (this area consists of all of Houston County, Georgia) is a critical defense housing area, and in view of the defense housing program announced for the said area on January 31, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Warner Robins, Georgia, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

> ROGER L. PUTNAM, Administrator.

JUNE 25, 1952.

[F. R. Doc. 52-7196; Filed, June 27, 1952; 11:44 a, m.]

[Determination No. 113]

LAKE CHARLES, LOUISIANA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. Authority. This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong.; Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69, and 96. 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950 and Executive Order 10276 of July 31, 1951; and as implemented by

Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. Determination. In view of the joint determination and certification by the Acting Secretary of Defense and the Acting Director of Defense Mobilization, dated June 20, 1952, that the Lake Charles, Louisiana, area (this area consists of all of Calcasieu Parish which includes the city of Lake Charles and Wards 1 and 6 in Beauregard Parish, all in Louisiana) is a critical defense housing area, and in view of the defense housing program announced for the said area on November 10, 1951, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Re-serve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Lake Charles, Louisiana, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM, Administrator.

JUNE 25, 1952.

[F. R. Doc. 52-7197; Filed, June 27, 1952; 11:44 a. m.]

[Determination No. 13, Amdt. 1]

CAMP ATTERBURY, INDIANA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the Acting Secretary of Defense and the Acting Director of Defense Mobilization, dated June 20, 1952 (17 F. R. 5682), that the Camp Atterbury, Indiana, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 13 (17 F. R. 1365) is hereby amended to apply to the area described as:

Camp Atterbury, Indiana (this area consists of Bartholomew, Brown, Johnson, Morgan, Shelby and Jackson Counties; the Townships of Clay, Washington, Marion, Sand Creek and Jackson in Decatur County, all in Indiana).

ROGER L. PUTNAM, Administrator.

JUNE 25, 1952.

[F. R. Doc. 52-7198; Filed, June 27, 1952; 11:44 a. m.]

Office of Price Stabilization

[Delegation of Authority No. 32, Revision 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER CPR 74

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Delegation of Authority No. 32, Revision 1, is hereby issued.

1. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to take appropriate action under sections 12, 43, 44, 45, 46, 47, 49 and 60 of Ceiling Price Regulation 74.

The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price

Stabilization.

This Delegation of Authority shall take effect on June 28, 1952.

ELLIS ARNALL, Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7242; Filed, June 27, 1952; 2:42 p. m.]

[Delegation of Authority No. 70]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Orders No. 2, as amended (16 F. R. 738, 11626), and No. 5, Revised (16 F. R. 11875), this Delegation of Authority is hereby issued.

1. Authority to act under sections 5 (e) (3), 7, 21 (c) and 22 of CPR 26, Revised. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization, to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, Revised. All actions in respect to the foregoing sections of CPR 26, Revised, taken by field offices previous to this authority, are hereby confirmed and validated.

2. Redelegation of authority. The authority hereby delegated may be redelegated to the Directors of the District Offices, Office of Price Stabilization.

This delegation of authority shall take effect on June 28, 1952.

ELLIS ARNALL, Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7243; Filed, June 27, 1952; 2:42 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10222]

KTRM. Inc.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KTRM, Incorporated, Beaumont, Texas, for modification of construction permit, Docket No. 10222, File No. BMP-5835.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of June 1952; The Commission having under consideration the above-entitled application for extension of time within which to complete construction for Station KTRM, Beaumont, Texas, under its construction permit (File No. BP-7850).

It appearing, that the Commission, on April 23, 1952, addressed a letter to the applicant in which it was stated that the application was denied but that the applicant could, within 20 days, request a hearing whereupon the denial would be set aside pending the outcome of the hearing; and

It further appearing that the applicant has made a timely request for a

hearing; and

[SEAL]

It is further ordered. That the aboveentitled application, pursuant to section 309 (a) of the Communications Act of 1934, as amended, is designated for hearing at a time and place to be specified by subsequent order upon the following issue:

To determine the action taken and the accomplishments, if any, in furthering construction of Station KTRM, Beaumont, Texas, under its construction permit (File No. BP-7850) as modified.

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary,

[P. R. Doc. 52-7135; Filed, June 30, 1952; 8:45 a. m.]

[Docket Nos. 10223, 10224]

JEFFERSON COUNTY RADIO AND TELEVISION Co. (KJCF)

ORDER DESIGNATING APPLICATION FOR CON-SOLIDATED HEARING ON STATED ISSUES

In re applications of Amos Anthony Govero, Donald Meinrad Donze, and Clifton Matthews Poindexter, doing business as Jefferson County Radio & Television Company (KJCF), Festus, Missouri, Docket No. 10223, File No. BP-8231; Cecil W. Roberts, Chester, Illinois, for construction permits, Docket No. 10224, File No. BP-8477.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day

of June 1952:

The Commission having under consideration the above-entitled applications requesting construction permits for the use of 1450 kc, with 250 w power, unlimited time, at Festus, Missouri and

Chester, Illinois respectively.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be specified by subsequent order, upon the following issues:

 To determine the technical, financial and other qualifications of the applicant and the applicant partnership and

its partners.

To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and Station KJCF as proposed.

3. To determine the type and character of program services proposed to

be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and Station KJCF as proposed would involve objectionable interference with Station WPAD, Paducah, Kentucky and WIL, St. Louis, Missouri or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the operation of the proposed station and Station KJCF as proposed would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the installation and operation of the proposed station and Station KJCF as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broad-

cast Stations.

7. To determine the overlap, if any, which would exist between the service areas of the proposed station at Chester, Illinois and of Station KREI, Farmington, Missouri, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

Commission's rules.

8. To determine the overlap, if any, which would exist between the service areas of Station KJCF as proposed and Station KSGM, St. Genevieve, Missouri, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's

rules.

9. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be

granted.

It is further ordered, That, Paducah Broadcasting Company, Inc., licensee of Station WPAD, Paducah, Kentucky, is made a party to this proceeding with respect to the Chester, Illinois, application only and Missouri Broadcasting Corporation, licensee of Station WIL, St. Louis, Missouri is made a party to this proceeding with respect to the Festus, Missouri application only.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,

Secretary.

[F. R. Doc. 52-7136; Filed, June 30, 1952; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1277]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 24, 1952.

Notice is hereby given that on June 19, 1952, the Federal Power Commission issued its order entered June 17, 1952, amending order (15 F. R. 7775) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 52-7160; Filed, June 30, 1952; 8:53 a. m.]

[Docket No. G-1308]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 24, 1952.

Notice is hereby given that on June 20, 1952, the Federal Power Commission issued its order entered June 18, 1952, amending order (15 F. R. 3296) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL]

LEON M. FUQUAY, Secretary,

[F. R. Doc. 52-7161; Filed, June 30, 1952; 8:54 a, m.]

[Docket No. G-1572]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF PETITION

JUNE 25, 1952.

Take notice that on June 17, 1952, Tennessee Gas Transmission Company (Applicant), a Delaware Corporation having its principal office in Houston, Texas, filed a petition pursuant to section 16 of the Natural Gas Act to amend an order of the Commission issued March 1, 1951, granting a certificate of public convenience and necessity to Applicant authorizing the construction and operation of a meter station in Harrison County, Ohio, and the sale of natural gas on an interruptible basis to Ellis T. Myers Gas Company for resale in the Village of Bowerston, Ohio, and environs.

Applicant proposes to render service to Ellis T. Myers Gas Company on a firm basis, and to supply 450 Mcf daily in accordance with the terms of a gas sales contract to be executed.

The petition recites service is now being rendered on an interruptible basis.

Protests or petitions to intervene should be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of July 1952. The petition is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 52-7139; Filed, June 30, 1952; 8:46 a. m.]

[Docket Nos. G-1573, G-1614, G-1808, G-1839, G-1848]

TENNESSEE GAS TRANSMISSION CO. ET AL.

NOTICE OF ORDER ISSUING CERTIFICATES, DISMISSING APPLICATIONS, TERMINATING PROCEEDINGS AND AUTHORIZING AND DI-RECTING DELIVERIES OF NATURAL GAS

JUNE 24, 1952.

In the matters of Tennessee Gas Transmission Company, Docket No. G-1573; Tennessee Gas Transmission Company, and United Natural Gas Company, Docket No. G-1614; the Manufacturers Light and Heat Company and United Fuel Gas Company, Docket No. G-1808; Republic Light, Heat and Power Company, Inc., Docket No. G-1839; City of Clarksville, Tennessee, Docket No. G-1848

Notice is hereby given that on June 19, 1952, the Federal Power Commission issued its order entered June 17, 1952, issuing certificates of public convenience and necessity to Tennessee Gas Transmission Company, Docket Nos. G-1573 and G-1614; dismissing applications and terminating proceedings in Docket Nos. G-1808, G-1839 and G-1848; and authorizing and directing deliveries of natural gas in the above-entitled matters,

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 52-7162; Filed, June 30, 1952; 8:54 a. m.]

[Docket No. G-1618]

NORTHERN NATURAL GAS CO.

NOTICE OF OPINION AND ORDER

JUNE 25, 1952.

Notice is hereby given that on June 24, 1952, the Federal Power Commission issued its opinion No. 230 and order entered June 18, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R Doc. 52-7137; Filed, June 30, 1952; 8:45 a. m.]

[Docket No. G-1725]
PANHANDLE EASTERN PIPE LINE Co.
NOTICE OF OPINION AND ORDER

JUNE 24, 1952.

Notice is hereby given that on June 20, 1952, the Federal Power Commission issued its memorandum opinion No. 229 and order entered June 17, 1952, in the above-entitled matter, affirming and adopting, as part of this opinion, the initial decision of the Presiding Examiner issued February 28, 1952, and denying application for an order permitting abandonment in part of its natural gas service to Michigan Consolidated Gas

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 52-7163; Filed, June 30, 1952; 8:54 a. m.] [Docket No. G-1872] COLORADO INTERSTATE GAS CO. ORDER FIXING DATE OF HEARING

JUNE 24, 1952.

On January 9, 1952, Colorado Interstate Gas Company (Applicant) a Delaware corporation having its principal place of business at Colorado Springs, Colorado, filed an application, as supplemented February 15, 1952, and April 7, 1952, and as amended May 6, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 8 miles of pipe line to enable it to take gas from the Keys and South Keys Fields in Cimarron County, Oklahoma, as more fully described in said application as supplemented and amended, on file with the Commission and open to public inspection.

Due notice of the filing of such application has been given, including publication in the Federal Register on Janu-

ary 25, 1952 (17 F. R. 779).

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held on July 8, 1952, at 9:45 a. m., d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such application: Provided, however, That the Commission may after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: June 25, 1952, By the Commission.

[SEAL]

LEON M. FUQUAY, Secretary,

[F. R. Doc. 52-7138; Filed, June 30, 1952; 8:46 a; m.]

[Docket Nos. G-1884, G-1894].
TEXAS EASTERN TRANSMISSION CORP.
ET AL.

NOTICE OF FINDINGS AND ORDER

JUNE 24, 1952.

In the matters of Texas Eastern Transmission Corporation and Southern Natural Gas Company, Docket No. G-1884; Texas Eastern Transmission Corporation and Mississippi River Fuel Corporation, Docket No. G-1894.

Notice is hereby given that on June 20, 1952, the Federal Power Commission is-

sued its order entered June 19, 1952, granting, in part, and denying, in part, applications for certificates of public convenience and necessity in the above-entitled matters.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 52-7164; Filed, June 30, 1952; 8:55 a. m.]

[Project No. 2106]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JUNE 25, 1952.

Public notice is hereby given that Pacific Gas and Electric Company of San Francisco, California, has made application for preliminary permit pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) for a proposed hydroelectric development, designated as Project No. 2106 and known as the McCloud Nos. 1, 2, 3, and 4, on Angel Creek, Squaw Valley Creek and McCloud River in Shasta and Siskiyou Counties, California, and affecting lands of the United States within the Shasta National Forest. The proposed comprehensive scheme for development of the water power resources of the McCloud River and its tributaries would comprise four successive units of development having a total installed capacity of 374,000 horsepower, and is described as follows: (a) McCloud No. 1 would consist of: the Angel Creek Division, comprising a di-version dam on Angel Creek and a tunnel to convey the flow to McCloud No. 1 Diversion; McCloud No. 1 Diversion, comprising a diversion dam on McCloud River and a tunnel extending to a junction with the Squaw Valley tunnel; a dam about 150 feet high on Squaw Valley Creek, a reservoir of about 110,000 acre-feet capacity and a tunnel to the junction with McCloud No. 1 Diversion tunnel; a tunnel from this junction to the head of the penstock; a penstock; and a power plant located on McCloud River above the mouth of Star City Creek. The total length of tunnels would be about 5 miles. The plant would have an installed capacity of about 29,000 horsepower and the static head would be about 230 feet; (b) McCloud No. 2 would consist of a diversion dam, a tunnel about 31/2 miles long, a penstock, and a power plant located on McCloud River below the mouth of Ladybug Creek. The plant would have an installed capacity of about 123,000 horsepower and the static head would be about 640 feet; (c) McCloud No. 3 would consist of a diversion dam, about 21/2 miles of tunnel, a penstock, and a power plant located on McCloud River above the mouth of Squaw Valley Creek. The plant would have an installed capacity of about 100,000 horsepower and the static head would be about 470 feet; (d) McCloud No. 4 would consist of a diversion dam, about four miles of tunnel, a penstock, and a power plant located on McCloud River at the head of Shasta Reservoir. The plant would have an installed capacity of about 122,000 horsepower and the static head would be about 495 feet. The energy would be used for public utility purposes and distributed through the applicant's system to customers in the central and northern parts of California.

Any protest against this application or request for any action thereon, with reason for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before August 14, 1952, to the Federal Power Commission at Washington 25, D. C.

[SEAL]

LEON M. FUQUAY, Secretary.

[P. R. Doc. 52-7140; Filed, June 30, 1952; 8:46 a. m.]

GENERAL SERVICES ADMIN-ISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO PROCUREMENT OF WATER SERVICE AT BUREAU OF MINES FACILITY AT MORGAN-TOWN, W. VA.

1. Pursuant to the provisions of the Federa Property and Administrative Services Act of 1949, as amended (63 Stat. 377, 64 Stat. 578, 65 Stat. 700), and having determined that such action is advantageous to the Government in terms of economy and efficiency, I hereby delegate to the Secretary of the Interior authority to negotiate a contract with the city of Morgantown, West Virginia, through the Morgantown Water Commission, for the provision of public utility water service, including the construction of necessary main extensions, under the following conditions:

a. Pursuant to section 201 (a) (3) of the said act, the contract may be for a period of not to exceed ten years.

b. Such contract may provide for a refundable advance of the cost of main extension necessary to provide such service if the Secretary of the Interior makes an appropriate finding under section 305 (a) of the aforesaid act.

c. Such contract may be negotiated only pursuant to section 302 (c) (9) of the aforesaid act.

 The authority contained herein, except that referred to in paragraph 1.b. hereof, may be delegated and redelegated in accordance with section 307 (a).

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of June 19, 1952.

Dated: June 26, 1952.

JESS LARSON, Administrator.

[F. R. Doc. 52-7218; Filed, June 27, 1952; 1:10 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-591]

WASHINGTON OIL CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

JUNE 25, 1952.

Notice is hereby given that the Washington Oil Company ("Washington") has filed an application with this Commission requesting exemption on behalf of itself and its public-utility subsidiary, Taylorstown Natural Gas Company ("Taylorstown"), from the provisions of the Public Utility Holding Company Act of 1935 pursuant to section 3 (a) (1) thereof.

Notice is further given that any interested person may, not later than July 16, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Said application may be granted at any time after July 16, 1952.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the facts contained therein, which are summarized as follows:

Washington is organized under the laws of Pennsylvania and is engaged in the production of crude petroleum, substantially all of its operations being carried on in Pennsylvania. Taylorstown is organized under the laws of Pennsylvania and is engaged in the production and distribution of natural gas wholly within

that state.

As of December 31, 1951, Washington owned all of the outstanding securities of Taylorstown. Neither Washington nor Taylorstown had any long-term indebtedness and each company had a single class of capital stock outstanding, As of the same date, the consolidated current assets of the system amounted to \$152,396.

By the Commission.

[SEAL]

NELLYE A. THORSEN, Assistant Secretary.

[F. R. Doc. 52-7142; Filed, June 30, 4952; 8:47 a. m.]

[File No. 70-2870] GULF POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDIC-TION OVER RESULTS OF BIDDING IN SALE OF BONDS AND OVER FEES AND EXPENSES

JUNE 25, 1952.

Gulf Power Company ("Gulf"), a public utility subsidiary of The Southern Company, a registered holding company, having filed an application-declaration, with amendments thereto, pursuant to section 6 (a) and 7 of the act, with re-

spect to the issuance and sale by Gulf, pursuant to the competitive bidding requirements of Rule U-50, of \$7,000,000 principal amount of First Mortgage Bonds - Percent Series, due 1982; and

Bonds ... Percent Series, due 1982; and
The Commission having, by order
dated June 12, 1952, granted and permitted to become effective said application-declaration, as amended, except
that the issuance and sale of the bonds
were not to be consummated until the
results of competitive bidding, pursuant
to Rule U-50, were made a matter of
record in this proceeding and a further
order issued, for which purpose jurisdiction was reserved; and

Jurisdiction also having been reserved in said order of June 12, 1952, with respect to all fees and expenses incurred in connection with the proposed trans-

actions; and

Gulf having filed a further amendment to the application-declaration in which it is stated that, in accordance with the permission granted by the said order of the Commission dated June 12, 1952, it offered such bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidder	Annual interest rate (per- cent)	Price to com- pany ! (percent of prin- cipal)	Annual cost to company (percent)
Kuhn Loeb & Co	334	100.10	3.3097
Kidder Peabody & Co. and White Weld & Co. Merrill Lynch, Pierce,	334	102, 289	3,3780
Fenner and Beane	334	102, 21	3, 3822
Union Securities Corp	314	102, 204	3,3825
Halsey Stuart & Co. Inc	317	102.191	3, 3830
First Boston Corp Equitable Securities Corp	33/2	102, 1499 101, 762	3, 3853 3, 4056

¹ Plus accound interest from July 1, 1952, to the date of delivery of and payment for the bonds.

Said amendment having further stated that Guif has accepted the bid of Kuhn Loeb & Co. for the purchase of the bonds, as set forth above, and that the bonds will be offered for sale to the public at a price of 100.47 percent of the principal amount thereof, plus accrued interest from July 1, 1952, resulting in an underwriter's spread of 0.37 percent of the principal amount of the bonds, or an aggregate amount of \$25,900; and

The record having been completed with respect to the fees and expenses incurred in connection with the proposed transactions, which are estimated as follows:

Federal original issue tax_____ \$7,700.00 S. E. C. filing fee______ Charges of trustee_____ 721.00 Cost of temporary and definitive bonds 4,000.00
Printing 18,000.00
Recording supplemental inden-4, 600, 00 300,00 Winthrop, Stimson, Putnam & Roberts, counsel: Fce 6,000.00 Expenses 100.00 Arthur Andersen & Co., accountantas Fee ___ 3,515.00 Expenses Southern Services, Inc., mutual 520.00 service company 5, 500, 00
Miscellaneous 2, 000, 00

54, 116, 00

It appearing that the proposed fee and estimated expenses of Reid & Priest. counsel for the purchaser of the bonds, which are to be paid by said purchaser, are \$5,000.00 and \$50.00 respectively; and

The Commission having examined the record in the light of said amendment. and observing no basis for imposing terms and conditions with respect to the price to be received by Gulf for the bonds, the interest rate, the underwriter's spread, or otherwise; and it appearing to the Commission that the above fees and expenses are not unreasonable provided they do not exceed the amounts estimated, and it appearing appropriate to the Commission that the jurisdiction heretofore reserved over the results of competive bidding and over all fees and expenses, be released:

It is ordered. That the applicationdeclaration, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, and that the jurisdiction heretofore reserved with respect to the results of competitive bidding, and over the fees and expenses incurred in connection with the proposed transactions, be and the same hereby is, released, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

NELLYE A. THORSEN, Assistant Secretary.

(F. R. Doc. 52-7143; Filed, June 30, 1952; 8:47 a. m.]

[File No. 70-2877]

NIAGARA MOHAWK POWER CORP. AND OSWEGO CANAL CO.

ORDER GRANTING APPLICATION AND PERMIT-TING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO PROPOSED MERGER OF NON-UTILITY SUBSIDIARY INTO PARENT COMPANY

JUNE 25, 1952.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a public utility company and an exempt holding company, of which The United Corporation, registered holding company, owned 9.58 per cent of the outstanding voting securities as of May 12, 1952, and Oswego Canal Company ("Oswego"), a whollyowned subsidiary of Niagara Mohawk, having filed a joint application-declaration pursuant to sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transaction:

It is proposed to merge Oswego into Niagara Mohawk. Oswego owns certain rights to the use for hydraulic development of the surplus water available on the east bank of the Oswego River in New York State on a point now designated as Dam No. 7 of the State Barge Canal System. Such water rights are presently leased to Niagara Mohawk which uses the water at its Varick hydroelectric plant located on the river at

Dam No. 7.

The Public Service Commission of the State of New York approved the pro-

posed merger by Order dated June 16, 1952.

Due notice having been given of the filing of the said application-declaration, and a hearing not having been requested of or ordered by the Commission; and, to the extent that the provisions of sections 9, 10, and 12 of the act are applicable to the proposed transaction, the Commission finding that such provisions are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that the said application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in

Rule U-24.

By the Commission,

NELLYE A. THORSEN, [SEAL] -Assistant Secretary.

(F. R. Doc. 52-7144; Filed, June 30, 1952; 8:48 a. m.l

> [File No. 70-2885] UNITED CORP.

MEMORANDUM OPINION AND ORDER PERMIT-TING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO SALE OF COMMON STOCK OF SUBSIDIARY COMPANY

JUNE 24, 1952.

The United Corporation ("United") has filed a declaration pursuant to section 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 promulgated thereunder with respect to the proposed sale by it of all of its holdings of the common stock of South Jersey Gas Company ("South Jersey") consisting of 154,231.8 shares representing 28.25 percent of the voting securities of that company. United proposes to make a public offering of 154,-230 shares of such stock in accordance with the competitive bidding requirements of Rule U-50, the remaining 1.8 shares to be sold promptly thereafter in the open market. United proposes to reinvest the proceeds from the sale of such holdings in other securities in accordance with the investment program approved by the Commission by Order

dated May 2, 1952.1

The sale of United's holdings of South Jersey stock was originally considered by us in approving United's plan for its transformation into an investment company which plan provided, among other things, for a reduction of its holdings of voting stock of Niagara Mohawk Power Corporation ("Niagara Mohawk") to an amount equal to no more than 4.9 percent of the total outstanding voting stock of such company and the sale of its entire holdings of the common stock of South Jersey, the Com-

mission exempting such sale from the competitive bidding requirements of Rule U-50.³ The plan also provided for the cancellation of outstanding option warrants to purchase common stock of United, and for certain amendments to United's charter

In August, 1951, a petition to review the Commission's order of June 26, 1951 approving the plan, together with a motion for a stay of that order, was filed in the Court of Appeals for the District of Columbia by Edward R. Downing, a common stockholder and by Randolph Phillips on his own behalf and in the behalf of certain other stockholders." By order dated November 15, 1951 the Court directed the Commission's order be stayed pending review insofar as the order provides for the disposition by United of its shares of Niagara Mo-hawk's common stock. Such stay order did not affect consummation of the balance of the plan, certain portions of which have already been consummated.

United was unable to dispose of the South Jersey common stock by private sale in January, 1952 and now proposes to make a public offering of such stock. At the time of the issuance of our order approving United's plan, United owned 11.9 per cent of the voting securities of Niagara Mohawk. As a result of certain sales by United of its holdings of Class A Stock of Niagara Mohawk and the Issu-ance by Niagara Mohawk of additional common stock to the public, the holdings by United of voting securities of Niagara Mohawk have been reduced to 9.62 per cent, as of March 31, 1952. Consequently, in the event of consummation of the proposed sale of South Jersey, United will cease to hold as much as ten per cent of the voting securities of any public utility company

Notice of the filing of the declaration with respect to the public sale by competitive bidding instead of the private sale as proposed in the plan was given to all the participants in the review proceedings and published in the FEDERAL

REGISTER

Randolph Phillips and Edward R. Downing have advised the Commission that they have no objection to the proposed sale of the South Jersey common stock, but do object to the investment of the proceeds of such sale in other securities in accordance with our order of May 2, 1952, and request that the Commission require distribution of the proceeds to the stockholders of United. In our findings and opinion dated May 2, 1952 approving an investment program for United during the period until it shall have ceased to be a holding company, we found that in the light of the restrictions to be imposed by us upon United's investment program, there was no basis for Phillips' contentions therein that any investment authorization might interfere with United's taking such future action as may be required in the event the pending petition for review should

The United Corporation, Holding Company Act Release No. 11209.

The United Corporation, Holding Company Act Release Nos. 19614 (June 15, 1951)

and 10643 (June 26, 1951).

*Downing et al. v. S. E. C. et al., United States Court of Appeals for the District of Columbia, No. 11158.

be decided in favor of petitioners. We still are of the same opinion and there-

fore deny such request.

Phillips and Downing also request that the United Corporation be required to "correct its declaration so as to reveal the original cost of all securities now held in its portfolio. " " " In that connection they repeat objections heretofore made to statements contained in prior annual reports and proxy solicitation material of United, argue that United improperly describes itself as "engaged in the business of an investment company," and allege that its accounts do not comply with Regulation S-X applicable to the accounts of investment companies registered as such pursuant to the Investment Company Act of 1940.

United's declaration is a sworn document, and in any event subject to statutory sanctions if misleading. However, such a document necessarily differs in purpose from a prospectus intended to inform public security holders of the relevant facts which will help them decide whether or not to purchase securities, or from a proxy statement designed to aid them (along with opposition material) in deciding whether or not to respond to an appeal for support in a proxy contest. The declaration is addressed primarily to the Commission for aid in the exercise of its regulatory jurisdiction. For purposes of our decision whether to permit the instant declaration to become effective, there is not the slightest relevance to reviewing the history of the United management and the conflicting inferences which management and opposition have attempted to draw from the history of its investments.

Viewing the declaration in the light of its purpose, we regard it as adequately informative as to the transaction presently proposed, and in no way mislead-We see nothing to be gained in now deciding whether the declaration as a whole, or any part thereof, might require qualification if used as selling literature or as a campaign document in connection with the solicitation of

proxies

Nor do we see any merit to the objections to the manner in which United now records its investments. Irrespective of any statements to the contrary United is still a registered holding company and therefore is not subject to the provisions of the Investment Company Act of 1940 or the rules and regulations promulgated thereunder. In any event, the basis used by United for carrying its investments in its accounts conforms to the accounting requirements of the Public

Utility Holding Company Act of 1935 and is not inconsistent with the accounting regulations applicable to investment companies registered under the Investment Company Act of 1940. Accordingly, we perceive that no useful purpose would be served by granting the request made in respect of amending United's declaration and the holding of a hearing thereon and therefore such requests are denied.

In our findings and opinion approving United's plan we reserved for future determination whether upon consummation of the transactions proposed by the plan United would be entitled to an order pursuant to section 5 (d) of the act declaring that it has "ceased to be a holding company," and upon what terms and conditions, necessary for the protection of investors, its registration as a holding company shall cease to be in effect.

We are of the opinion that consummation of the proposed sale of South Jersey will not affect our jurisdiction to require United, as a condition precedent to its registration ceasing to be in effect, to consummate the transactions proposed in the plan as approved by the Commission, or any modification thereof which may be found necessary to comply with the views of the reviewing court, or of any District Court to which application may be made for enforcement of the plan, irrespective of whether or not it may be determined as a matter of fact that United has ceased to be a holding company with respect to each of its other former subsidiary companies, Nevertheless, since the proposed transaction with respect to South Jersey is of relatively minor consequence as compared to the other issues presented by the plan, we have concluded that it would be inappropriate to go forward with the transaction at the present time if there were any danger that its consummation would serve as an excuse for future resistance on the part of United to whatever action may be necessary to completely effectuate the purposes of section 11 (b) of the act. Accordingly, we deem it necessary and appropriate in the public interest and in the interest of investors and to prevent the circumvention of the provisions of the act and the rules, regulations and orders thereunder, to require United, to stipulate in a manner satisfactory to the Commission that it will not contest the jurisdiction of the Commission by reason of the sale of the South Jersey common stock. An appropriate stipulation has been filed by United and made a part of this record.

Fees and expenses to be incurred by United in connection with the proposed transaction are estimated at \$22,777.66. including the amounts of \$4,000 payable to Stone & Webster Service Corporation for engineering services, \$3,500 to Niles & Niles for accounting services, \$8,500 for printing, \$5,000 payable to Whitman, Ransom, Coulson & Goetz for legal services and \$1,000 payable to Cole & Cole for legal services. The fee of independent counsel for the underwriters is stated to be in the amount of \$5,000 payable to Simpson, Thacher & Bartlett, and will be paid by the successful bidder.

We find with respect to the proposed sale of the common stock of South Jersey that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary and deem it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective:

It is therefore ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said declaration be. and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of common stock of South Jersey shall not be consum-mated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

By the Commission.

[SEAL]

NELLYE A. THORSEN. Assistant Secretary.

[F. R. Doc. 52-7141; Filed, June 30, 1952; 8:47 a. m.]

[File No. 70-2886]

KITTERY ELECTRIC LIGHT CO.

ORDER AUTHORIZING SALE BY SUBSIDIARY OF REGISTERED HOLDING COMPANY OF PRIN-CIPAL AMOUNT OF UNSECURED NOTES

JUNE 25, 1952.

Kittery Electric Light Company ("Kittery Electric"), a subsidiary company of New England Gas and Electric Association, a registered holding company. having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder with respect to the following proposed transaction:

Kittery Electric, all of whose outstand ing capital stocks are owned by one of NEGEA's subsidiary companies, New Hampshire Electric Company, which has been granted an exemption as a holding company pursuant to section 3 (a) (1) of the act, proposes to issue and sell privately \$150,000 principal amount unsecured notes to be dated June 1, 1952. bearing interest at the rate of 4 percent per annum and to mature June 1, 1977. The notes are to be sold in equal principal amounts of \$75,000 each, to Union Mutual Life Insurance Company, and Maine Savings Bank, both of Portland, Maine, at a price of 101 percent of principal amount, plus accrued interest.

The notes provide, among other things, for the issuance of additional long-term debt, subject to the limitation that aggregate long-term debt shall not exceed \$250,000 plus 60 percent of the cost or fair value (whichever is less) of net property additions made subsequent to April 30, 1952, provided net earnings of the company, as defined in the notes, for the period specified therein, are at

^{&#}x27;United's investments are carried on its books at values based on those restated as at June 30, 1938, with subsequent additions at In the reorganization of Public Service Corporation of New Jersey United re-ceived securities of Public Service Electric and Gas Company and of South Jersey. The carrying value of the South Jersey common stock on United's books (8641,393) represents an allocation of the carrying value of the Public Service Corporation of New Jersey common stock which allocation was made with the approval of this Commission. As of June 19, 1952, United's holdings of South Jersey common stock had an indicated market value of approximately \$2,500,000.

least 21/2 times the annual interest charges on all long-term indebtedness to be outstanding. The notes also provide that the company will not mortgage, pledge, or create any lien on any of its property (except for purchase-money mortgages or liens and for pledges in the usual course of business as security for loans maturing in less than one year) without securing the notes equally and ratably with all other obligations secured thereby.

In addition, the notes provide for an annual cash sinking fund payment, commencing April 15, 1953, sufficient to redeem 11/2 percent of the aggregate principal amount of the issue. The notes also provide that the company will not, except with the consent of the holders thereof, declare any dividends from earned surplus existing at December 31,

1951.

The application states that Kittery Electric will use the proceeds from the sale of the notes to reimburse its treasury for expenditures therefrom for construction and to finance future construction; and that total expenses in connection with the proposed transactions are estimated at \$2,500, including a commission of \$1,500 to H. M. Payson & Co., investment bankers, for arranging the sale, and legal fees of \$250 payable to Verrill Dana Walker Philbrick & Whitehouse, counsel for the company.

An order has been issued by the Maine Public Utilities Commission authorizing the issuance and sale of the notes.

Kittery Electric requests that the Commission's order herein become effective forthwith upon issuance.

The Commission finding that said application, as amended, satisfies the requirements of the applicable provisions of the act and the rules and regulations thereunder, that it is not necessary to impose any terms and conditions other than as set forth below, and that it is appropriate in the public interest and in the interest of investors and consumers that the amended application be granted effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and it hereby is, granted effective forthwith, subject to the terms and conditions pre-

scribed in Rule U-24.

By the Commission.

NELLYE A. THORSEN, [SEAL] Assistant Secretary.

F. R. Doc. 52-7148; Filed, June 30, 1952; 8:49 a. m.]

[File No. 70-2888]

WISCONSIN SOUTHERN GAS CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF NOTES

JUNE 25, 1952.

Wisconsin Southern Gas Company ("Gas Company"), a public-utility subsidiary of Wisconsin Southern Gas and Appliance Corporation, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of

1935 ("act") with respect to the following transactions:

Gas Company proposes to issue and sell to the State of Wisconsin Investment Board \$150,000 principal amount of 10-Year 41/2 Percent Serial Notes at the principal amount thereof, plus accrued interest; and

The application having been filed June 9, 1952 and notice of the filing thereof having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for or ordered a hearing with respect to said application within the time specified in said notice, or otherwise;

The Commission finding that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that no adverse findings are necessary, that no basis appears for imposing any terms or conditions other than those specified in Rule U-24, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the application and to grant applicant's request for acceleration of the effectiveness of this order; and

It appearing that the estimated fees and expenses, including counsel fees of \$1,500, payable to Aberg, Bell, Blake & Conrad, accountants' fee of \$250, payable to Haskins & Sells, and miscellaneous expenses of \$250 are not unreasonable and should be approved:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said application be, and it hereby is, granted, subject to the terms and conditions prescribed by Rule U-24. and that this order shall become effective upon its issuance.

By the Commission.

NELLYE A. THORSEN. [SEAL] Assistant Secretary.

[F. R. Doc. 52-7145; Filed, June 30, 1952; 8:48 a. m.]

IFile Nos. 70-2894, 68-1571

GENERAL PUBLIC UTILITIES CORP. ET AL.

NOTICE OF PROPOSED CAPITAL CONTRIBU-TION, ISSUANCE, SALE, ACQUISITION OF SECURITIES, AND ORDER AUTHORIZING PROXY SOLICITATION

JUNE 25, 1952.

In the matter of General Public Utilities Corporation, Associated Electric Company, Pennsylvania Electric Com-pany, File No. 70-2894; Pennsylvania Electric Company, File No. 68-157.

Notice is hereby given that a joint application-declaration (File No. 70-2894) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") by General Public Utilities Corporation ("GPU"), a registered holding company, Associated Electric Company ("Aeleo"), subsidiary of GPU and likewise a registered holding company, and by Pennsylvania Electric Company ("Penelec"), subsidiary of Aelec and an operating utility company. Applicants have designated sections 6 (a), 6 (b), 7, 9 (a), 10 and 12 of the act, and Rules U-23, U-45, and U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

GPU proposes to make cash capital contributions to Aelec in the aggregate amount of \$5,000,000. Penelec proposes to issue and sell to Aelec, and Aelec proposes to purchase from Penelec (utilizing for this purpose the cash contributions from GPU aforesaid) an aggregate of 250,000 additional shares of Common Stock ("Additional Common Stock") of Penelec for a purchase price equal to the par value thereof, namely, \$20 per share, or an aggregate of \$5,000,000.

Subject to obtaining the consent of the holders of a majority of the shares of its outstanding Preferred Stock, Penelec proposes to increase the number of shares of its authorized Preferred Stock from 300,000 to 370,000 shares of the par value of \$100 per share. Penelec has filed a declaration (File No. 68-157) with respect to the proposed solicitation of proxies from the holders of its outstanding Preferred Stock.

Penelec proposes publicly to invite bids for the purchase from it of \$9,-500,000 principal amount of additional First Mortgage Bonds ("New Bonds") and 45,000 additional shares of Cumulative Preferred Stock, par value \$100 per share ("New Preferred Stock"), the price to Penelec to be specified in such bids and to be not less than 100 percent nor more than 102% percent of the principal amount or par value.

Penelec proposes to utilize the net proceeds of the New Bonds, New Preferred Stock, and Additional Common Stock, estimated at not less than \$19,-000,000, as follows:

(1) \$7,000,000 will be used to partially reimburse Penelec's treasury for construction expenditures therefrom during the period June 30, 1951-April 30, 1952. Out of its treasury funds Penelec will pay its bank loans maturing in September 1952 in the aggregate principal amount of \$2,875,000.

(2) The balance of approximately \$12,000,000 will be used to meet a part of Penelec's construction expenditures subsequent to April 30, 1952, or to partially reimburse its treasury for such expenditures, or to repay bank loans incurred subsequent to April 30, 1952 (including \$3,625,000 borrowed in May and June 1952), the proceeds of which have been or will be applied to such purposes.

Penelec estimates that approximately \$19,000,000 will be required during the eight months ending December 31, 1952 in furthering its general construction

Penelec anticipates that the issue and sale by it of the New Bonds, New Preferred Stock, and Additional Common Stock will be expressly authorized by the Pennsylvania Public Utility Commission, the regulatory commission of the State in which it is organized and doing business.

Penelec estimates that, in addition to its ordinary expenditures for printing and mailing, it will expend not over \$1,000 in its proxy solicitation. Its expenses in connection with the issuance and sale of the proposed securities will be supplied by amendment. The other companies will incur no special legal expenses in the matter.

Penelec requests that its declaration as to proxy solicitation be permitted to become effective forthwith, pursuant to Rule U-65 (b). Deeming it to be in the interest of the stockholders and in the public interest that the proxy solicitation should proceed forthwith as proposed.

It is ordered, That the aforesaid declaration of Penelec in Pile No. 68-157 with respect to proxy solicitation be, and the same hereby is, permitted to become effective forthwith.

With respect to the matters covered by the joint application-declaration of GPU, Aelec, and Penelec in File No. 70-

Notice is further given that any interested person may, not later than July 15, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of law or fact proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as pro-vided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL]

NELLYE A. THORSEN, Assistant Secretary.

[F. R. Doc. 82-7146; Filed, June 30, 1952; 8:48 a, m.]

[File No. 812-787]
BALDWIN SECURITIES CORP.
NOTICE OF APPLICATION

JUNE 25, 1952.

Notice is hereby given that Baldwin Securities Corporation (Applicant), a registered investment company, has filed an application pursuant to subdivision (c) of Rule N-23C-1 and section 23 (c) (3) of the Investment Company Act of 1940 for an order of the Commission permitting Applicant to purchase all of the stock of its stockholders (not affiliated persons) holding not more than 49 shares of Applicant's common stock, par value 1 cent per share, to a maximum of 125,000 shares, at the mean of the high and low market prices on day of purchase but no purchase to be made if such market value exceeds \$4.3125 a share or 35 cents a share in excess of net asset value, whichever is lower, under an offer to commence July 15 and to terminate July 31, 1952, subject to extension at Applicant's discretion.

Applicant is a closed-end, non-diversified investment company organized November 8, 1950, to take over certain assets of the Baldwin Locomotive Works (now Baldwin-Lima-Hamilton Corporation) and all of Applicant's stock was distributed to the stockholders of the Baldwin Locomotive Works. As at March 10, 1952, Applicant had outstanding 2,375,298 shares held by 15,129 shareholders. Of such shareholders 8,055 persons, or 53.2 percent, held of record only 125,037 shares or 5.27 percent of the total shares outstanding. Annual savings are estimated at \$8,600 if all of the 125,000 shares are purchased plus an additional \$37,305 in the event of subsequent dissolution.

If all of the 125,000 shares are tendered the cost to Applicant would aggregate \$468,750, computed at the recent market price of \$3.75 a share, or \$539,062.50, computed at the maximum price of \$4.3125 a share, plus estimated expenses of \$13,615. If the spread between market and net asset values equals the maximum of 35 cents a share, remaining stockholders will suffer a dilution of \$43,750 by virtue thereof.

For the period January through May, 1952 the price of Applicant's stock on the New York Curb Exchange ranged from a high of 41/2 to a low of 31/4 and on June 13, 1952 was \$3.75. The net asset value per share at June 13, 1952, was computed at \$3.75. Subparagraph (6) of paragraph (a) of Rule N-23C-1 requires that the purchase be made at a price not above the market value, if any, or the asset value, whichever is lower, at the time of purchase. Although the market value is currently equal to the asset value, exemption is nevertheless requested from this requirement in view of the possibility that market value may exceed asset value during the tender period.

All interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C. for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after July 9, 1952, upon such conditions as the Commission may deem necessary or appropriate unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act.

Any interested person may submit to the Commission, in writing, not later than July 7, 1952, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any

such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL]

NELLYE A. THORSEN, Assistant Secretary.

[F. R. Doc. 52-7147; Filed, June 30, 1912; 8:49 a, m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Supplemental Vesting Order 18919]

JOSEPHINE KLARER

In re: Estate of Josephine Klarer, deceased. File No. 017-26859.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Maria Theresia Butz, whose last known address was Germany, was a resident of Germany from December 11, 1941 until her death on May 17, 1949, and was a national of a designated enemy country (Germany);

2. That Albertine Butz Moll, whose last known address was Germany, was a resident of Germany from December 11, 1941, until her death on October 26, 1951, and was a national of a designated

enemy country (Germany);
3. That Rudolf Moll, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is and prior to January 1, 1947, was a national of a designated enemy country (Germany):

4. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Albertine Butz Moll, deceased, who there is reasonable cause to believe are and on or since December 11, 1941 and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

5. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 3 and 4 hereof, and each of them, in and to the Estate of Josephine Klarer, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by the persons identified in subparagraphs 3 and 4 hereof, the aforesaid nationals of a designated enemy country (Germany):

6. That such property is in the process of administration by the Comptroller of the State of New York, as depositary, acting under the judicial

supervision of the Surrogate's Court of Erie County, State of New York;

and it is hereby determined:

That the national interest of the United States requires that the persons identified in subparagraphs 3 and 4 hereof be treated as persons who are and prior to January 1, 1947, were na-tionals of a designated enemy country

All determinations and all action reouired by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national in-

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1952.

For the Attorney General.

HAROLD I. BAYNTON, [SEAL] Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-7173; Filed, June 30, 1952; 8:57 a. m.]

> [Vesting Order 18913] BECK & Co., ET AL.

In re: Debts owing to Beck & Co. and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.). and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names and last known addresses are set forth as owners in Exhibit A, attached hereto and by reference made a part hereof, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, and are and prior to January 1, 1947, were nationals of a designated

enemy country (Germany);

2. That the enterprises whose names and last known addresses are set forth as owners in the aforesaid Exhibit A. are corporations, partnerships, associations or other business organizations which on or since December 11, 1941 and prior to January 1, 1947, were organized under the laws of, and had their principal places of business in Germany, and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany):

3. That the persons whose names and last known addresses are listed below:

Names and Addresses

Auguste Wiecking, also known as Auguste Burlage Wiecking, Achim near Bremen, c/o Rektor Goehrs, Germany.

Hanni Uirich, also known as Hannie Ui-rich, Bremen, Bismarckstr. 121, Germany. Dora Uirich, Bremen, Bismarckstr. 121,

Germany. Lotte von Hamm, Bremen, Woltmer-

shausenstr. 245, Germany.

Hertha Alberti and Anna Niemann, Bre-men, Wachmannstr. 81, Germany.

on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, and are and prior to January 1, 1947, were nationals of a designated

enemy country (Germany);

4. That the G. A. v. Halem, Export und Verlagsvuchhandlung A. G., the last known address of which is Bremen, Post Fach 84, Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of, and had its principal place of business in Germany, and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

5. That the person who owns the property described in subparagraph 7 (f) hereof, who, if an individual, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1. 1947, was a resident of Germany, and which if a partnership, corporation, association or other business organization, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of, and had its principal place of business in Germany, is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

6. That the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Adolf Segnitz, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

7. That the property described as

follows

a. Those certain debts or other obligations, evidenced by the checks and drafts described in Exhibit A, attached hereto and by reference made a part hereof, owned by the persons whose names are listed as owners in said Exhibit A, and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any rights in, to and under said checks and drafts,

b. Those certain debts or other obligations evidenced by six (6) Bills of Exchange drawn on the Wells County Bank, Bluffton, Indiana, payable to August Wiecking in the amounts and dated as follows:

ated:		Amount
Feb.	1, 1926	\$200.00
	Do	200.00
	Do	200,00
	Do	200.00
	Do.	200.00
Apr.	1, 1925	2,500,00

said bills of exchange owned by Auguste Wiecking, also known as Auguste Burlage Wiecking, and presently in the custody of the Attorney General of the United States, together with any and all rights

to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said bills of exchange.

c. Those certain debts or other obligations evidenced by two (2) American Express Company money orders numbered AK 4475921 payable to Hannie Ulrich, and AK 4475920, payable to Dora Ulrich, each in the amount of \$5.00, dated November 21, 1939, and owned by Hanni Ulrich, also known as Hannie Ulrich, and Dora Ulrich, said money orders presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said money orders,

d. That certain debt or other obligation evidenced by one (1) American Express Company money order numbered AK 4475924 in the amount of \$10.00 dated November 24, 1939 payable to and owned by Mrs. Lotte von Hamm, and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and

under said money order,

e. That certain debt or other obligation evidenced by one (1) American Express Company money order numbered AD 5747351 in the amount of \$5.00, dated July 15, 1939, payable to R. F. Kerr and owned by G. A. v. Halem, Export und Verlagsvuchhandlung A. G., said money order presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said money order.

f. That certain debt or other obligation evidenced by one (1) check drawn by the Continental Bank and Trust Company of New York in the amount of \$23.24 dated December 8, 1939 payable to F. Undeutsch and Company, and owned by the person referred to in subparagraph 5 hereof, said check presently in the custody of the Attorney General of the United States together with any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said check,

g. That certain debt or other obligation, evidenced by one (1) American Express Company money order numbered

AK 4282558 in the amount of \$10.00. dated November 21, 1939 payable to Mrs. Anna Niemann and owned by Mrs. Hertha Alberti and Mrs. Anna Niemann, said money order presently in the custody of the Attorney General of the United States, together with any and all rights

to demand, enforce and collect the same, and any and all rights in, to and under

said money order, and

h. That certain debt or other obligation, evidenced by one (1) check drawn on the Lafayette National Bank of Brooklyn, numbered TD 1942, in the amount of \$12.75, dated December 18, 1940, payable to the Estate of Fritz Signitz and owned by the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Adolf Segnitz, deceased, said check presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce, and collect the same, and any and all rights in, to and under said check,

is property which is and prior to January
1, 1947, was within the United States
owned or controlled by, payable or deliverable to, held on behalf of or on account
of, or owing to, or which is evidence of
ownership or control by, the aforesaid
nationals of a designated enemy country
(Germany).

and it is hereby determined: 8. That the national interest of the United States requires that the persons referred to in subparagraphs 1, 2, 5 and 6 and named in subparagraphs 3 and 4 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated

The terms "national" and "designated enemy country", as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL]

PAUL V. MYRON, Deputy Director, Office of Alien Property.

EXHIBIT A

		C. C.	Exma		
Name and address of owner	Check No.	Amount	Date	Drawee	Payee
leck & Co., Bremen, Holler Allee 75		\$750,00 83,33 83,33 83,33 83,33	10-2-39 11-9-39 11-14-39 12-46-39 1-15-40	The National City Bank of New York. The Chase National Bank of the City of New York. do. do. do.	Beck & Co, Hasek & Co, Do, Do,
fermann Bensmann K. G., Bremen, Riensbuerger- str. 76.	278	10.64	11-30-30	do National State Bank, Newark	Hermann Bensmann, K. G.
nna Marie Siegert, Werder/Havel, Eduard Leb- mannstr. 21. Jeta Lentz, Bremen, Parkailee 44.	56077	81.00 61.27	1-3-40	First National Bank, New York City	Mesers, Lents & Hirschfeld, Do.
frs. Frances Melcher, also known as Frances Bor- nemann-Melcher, Park-Allee 101, Bremen.		629, 10 824, 16 103, 63 301, 11 301, 11	12-20-39 12-20-40 6-20-41 12-20-40	do The Guaranty Trust Co. of New York The First National Bank of the City of New York. The New York Trust Co., New York do.	
arry William Bornemann, L. L. D., Bremen, Park-Allee 101.		629, 10 524, 18 103, 64 301, 11 301, 11	12-20-39 12-20-40 12-20-40 6-20-41	do. Guaranty Trust Co. of New York The First National Bank of the City of New York. The New York Trust Co., New York. do. do. Lawyers Trust Co., New York	Harry Bornemann. Do. Do. Do. Do. Do.
Innscatische Speditionsgesellschaft mbH., Ham- burg.	3856	39, 62	1-30-40		Hanseatische Speditions Ges.
otte von Hamm, Bremen, Woltmershausenstr. 245 Harry W. Hamacher, Spediteur, Zweigniederlas-	- 64	319, 66 319, 66 37, 53	11-7-41 4-23-40 10-25-39	Guaranty Trust Co., of New York. Bank of The Manhattan Co., New York. The Chuse National Bank of the City of New York.	P. H. Ulrichs & Co. Do. Brasch & Rothensteen.
Iarry W. Hamacher, Spediteur, Zweigniederlas- sung Breinen, Schwachtnauser Heerstr, 37, C. Albrecht, H. Mueller-Pearse K. L. Lange, Bremen, Baumwollboerse.	A 37062	98, 55	9-30-39	Bank of The Manhattan Co	Carl Albrecht, Heinrich Mueller-Pearse & Karl
Gustav Reese, Bremen, Richard-Dehmelstr. 80	1	42.75 60.27 54.25	8-31-39 11-1-39 12-1-39	Bankets Trust Co., New York National City Bank, New York	Emestine S. Reese. Do.
Georg Gotthardt, Brake I. O., Breitestr. 50	- 22855 4122	33, 48 46, 70 236, 35 67, 75	12-30-39 11-30-39 1-20-40 9-28-39	do The Chase National Bank of the City of New York. The Guaranty Trust Co. of New York. Central Hanover Bank & Trust Co., New York. The National City Bank of New York.	Do. Constantin Wurttenberger. Holzer & Co. Do.
Roehlig & Co., Bremen, Papenstr. 5/13	3584 356	30, 00 7, 50 67, 61 62, 30	9-6-40 10-6-39 12-13-39 2-19-40	The Chase National Bank of the City of New York. Manufacturers Trust Co., New York. Irving Trust Co., New York. The National City Bank of New York.	Do. Rohlig & Co. Do. Do.
Lehmann & Co., Bremen, Kohlhoekerstr. 38	1518 7129	16, 50 98, 63 9, 90 5, 63	2-6-40 2-6-40 9-28-39	The National City Bank of New York First National Bank, Poughkeepsie do Underwriters Trust Co., New York The Chase National Bank of the City of New York.	S, S, Pierce Co, Lehmann & Co, Do, Do,
Elisabeth Wilberg, Luise Schelbler, and Georg Luchmann, Germany.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	42.72 154.11 36.38	11-6-39 12-28-39 11-13-39	G0	Do, Caroline Busjaeger, Joh, Heckemann,
H. F. Cordes & Co., Bremen, Gartenstr. 7 Buergerparkverein, Bremen, Baumwollboerse	2261 53696	16, 10 18, 94 14, 30	12-7-39 12-29-39 9-23-39	Corn Exchange Bank Trust Co., New-York. The Chase National Bank of the City of New York. Chemical Bank & Trust Co., New York. The Chase National Bank of the City of New York.	Do, Do, H. F. Cordes & Co,
Suergerparkverein, Bremen, Baumwollboerse Carl Ed. Schuenemann K. G., Bromen, Holler Allie 31. D. A. v. Halem, Export und Verlagsbuchhandlung	33965	10.94 50,00 16.00 25.00	12-11-39 1-16-40 11-7-39 12-23-39	Manufacturers Trust Co., New York	Burgerparkverein Bremer Nachrichten Do. G. A. v. Halem
A. G., Bremen, Postfach 84.	Unnumbered	25.00 7,92 104.71	10-31-39 10-20-39 12-20-39	Empire Trust Co., New York The National City Bank of New York do Guarantz Trust Co. of New York	G. A. von Halem A. G. G. A. v. Halem A. G. Seehandel A. G.
Kaffee Hag A. G., Germany. Ella Lessmann, Bremen, Gneisenaustr. 62	44005	64, 79	2-13-40 2-5-41	Guaranty Trust Co, of New York Land Title Bank & Trust Co, Philadelphiado The Chase National Bank of the City of New York.	Ella Lessman Do,
Scipio & Co., Bremen, Langenstr, 98/99	Annual Control	587, 52 8, 20	10-7-40	The Chase National Bank of the City of New York.	Atlanta Allegemeine Handel Ges M. B. H. Hoelzer & Co.
Hoelzer & Co., Bremen, Yorkstr. 52. 241 Prior, Bremen, Baumwollboerse, Room 317. 261 Retchen Kotzenberg, Bremen, Holler Allee 45. Norddeutscher Lloyd, Bremen, 19.	2559	25, 43 220, 24 20, 28	11-30-39 4-1-41 10-20-39	do The Anglo-California National Bank, San Francisco. Chemical Bank & Trust Co., New York	Carl Prior Gretchen Kotzenberg, Nederlandsche Handel-Maat-
oh, Gottfr. Schnette & Co., Bremen, Domshof 10		490. 47	10-26-39		schappij-Amsterdam, Sres. Joh. Gottfr. Schnette & Cia.
Gretchen Katzenberg, Bremen, Strassburgerstr. II Karl Gross, Bremen Norddeutscher Lloyd, Finanz-Abteilung, Bremen	A 72494	156, 74 93, 05 480, 00	1- 3-41 11-24-39 4-23-41	The Anglo-California National Bank, San Francisco. The Chase National Bank of the City of New York, National Bank of Detroit	Gretchen Katzenberg,
Germany. Friedrich W. Goos, Wesermuende-W, Kosebroken- str. 12.	G 472085 G 489733 G 498605	23, 18 23, 18 23, 18		The Chase National Bank of the City of New York.	Friedrick W. Goos. Do. Do.
	G 507711 G 516863	23. 18 23. 18		do	Do. Do.
Martin Debet-Fricke, Bremen 10, Havermannsweg 1	G 534114 G 524576 G 543755 1837927	23, 18 23, 18 23, 18 126, 85	10-17-39	do do do	Do. Do. Do. Martin D. Fricke.
	1838385 1839069	126.83 190.25	11-15-39		Do. Do.

[Vesting Order 18920] AMELIA WALSEMANN

In re: Estate of Amelia Walsemann, deceased. File No. D-28-13105.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.): Executive Order 9783 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it

is hereby found:

1. That Hans Heinz Walsemann, Kurt Walsemann, Klaus Walsemann, Edgar Walsemann, Klaus Walsemann, Edgar Kramer, Wichert Kramer, Karlheinz Bauer, Peterclaus Bauer, Herman Schwarz, Volker Schwarz, Jurgen Schwarz, Helmut Schwarz, Gisela Schwarz, Annemarie Kuchler, Roland Kuchler, Uwe Moltzahn, Inge Moltzahn, Ilse Stuewer, Ulrich Stuewer, Hertzer, Irmgard Hertzer, Carl Fischer, Marie Fischer, Ingrid Fischer, Arndt Heymann and Reingardt Heymann, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the Estate of Amelia Walsemann, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, or which is evidence of ownership or control by, the afore-said nationals of the designated enemy

country (Germany);

3. That such property is in the process of administration by Henry G. Zeil, Theresa Zeil and Sabine C. Schindhelm, as Executors, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

4. That 25 ths of the sum of \$122.92 now in the possession, custody or control of Henry G. Zeil, Theresa Zeil and Sabine C. Schindhelm as liquidating dividends received from William J. Topken and Philip F. Farley, attorneys in fact for the nationals named in subparagraph 1 hereof, who had acquired said sum under a claim against Bond & Mortgage Company on a mortgage covering property situate at 338 Grand Avenue, Brooklyn, New York, assigned to said Messrs. Topken & Farley pursuant to a decree dated May 13, 1940, of the Surrogate's Court, New York County, New York, for the benefit of the aforesaid nationals, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to

January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national in-

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1952.

For the Attorney General.

HAROLD I. BAYNTON, Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-7174; Filed, June 30, 1952; 8:57 a. m.]

[Vesting Order 18922]

KLINGELNBERG-FLINWERK, N. V.

In re: Debt owing to Klingelnberg-Fijnwerk, N. V. also known as Klingelnberg-Fijnwerke, N. V. and as N. V. Fijn-

werk. F-28-28685 C-3.

Under the authority of the Trading With the Enemy Act, as amended (50 U.S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby

1. That Dr. G. A. Klingelnberg, whose last known address is Remsheid, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That Klingelnberg-Fijnwerk, N. V. also known as Klingelnberg-Fijnwerke, N. V. and as N. V. Fijnwerk, is a corporation organized under the laws of Holland, whose principal place of business is located at I. E. Middellandstraat, Rotter-dam, Holland, and is, or on or since December 11, 1941, and prior to January 1, 1947, has been controlled by or a substantial part of the stock of which has been owned or controlled directly or indirectly by the aforesaid Dr. G. A. Klingelnberg and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany)

3. That the property described as follows: That certain debt or other obligation of Standard Tool Company, 3950 Chester Avenue, Cleveland 14, Ohlo, arising out of a credit on the books of the aforesaid Standard Tool Company in the name of N. V. Fljnwerk, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and

collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Klingelnberg-Fijnwerk, N. V. also known as Klingelnberg-Fijnwerke, N. V. and as N. V. Fijn-werk, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined

4. That Klingelnberg-Fijnwerk, N. V. also known as Klingeinberg-Fijnwerke, N. V. and as N. V. Fijnwerk, is and prior to January 1, 1947 was, controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country, and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany)

5. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Ger-

many)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1952.

For the Attorney General.

[SEAL]

PAUL V. MYRON, Deputy Director, Office of Alien Property.

[F. R. Doc. 52-7176; Filed, June 30, 1952; 8:58 s. m.]

[Vesting Order 18923]

NICOLA LUPO

In re: Bank account owned by Nicola Lupo. F-28-31836.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Nicola Lupo, whose last known address is 129 Friedrichstrasse, Berlin NW 7, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Ger-

2. That the property described as follows: That certain debt or other obligation owing to Nicola Lupo, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of an account in the name of Nicola Lupo, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nicola Lupo, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1952.

For the Attorney General.

[SEAL]

PAUL V. MYRON, Deputy Director, Office of Alien Property.

[F. R. Doc. 52-7177; Filed, June 30, 1952; 8:58 a. m.]

> [Vesting Order 18924] GUSTAV RAICHLE

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Gustav Raichle, deceased. F-28-14062; C-1; D-1; D-2.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR-1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Gustav Raichle, deceased, who there is reasonable cause to believe on or

since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of First Wisconsin National Bank, Milwaukee 1, Wisconsin, arising out of a Savings Account No. 41204, entitled Gustav Raichle, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Gustav Raichle, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:
3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D, C., on June 26, 1952.

For the Attorney General.

[SEAL]

PAUL V. MYRON, Deputy Director, Office of Alien Property.

[F. R. Doc. 52-7178; Filed, June 30, 1952; 8:58 a. m.]

[Vesting Order 18925]

ELIZABETH ALICE VON VERSEN

In re: Claim owned by Elizabeth Alice Von Versen, also known as Elizabeth Alice Von Verson and as Lotte de Verson, D-27-2091.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9587 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant

to law, after investigation, it is hereby found:

1. That Elizabeth Alice Von Versen, also known as Elizabeth Alice Von Verson and as Lotte de Verson, whose last known address is Suckow b, Gerswalde krs Templin Um., Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That claim against the State of Missouri and Treasurer of the State of Missouri arising by reason of the collection or receipt by said Treasurer of the following: That sum of money previously held by St. Louis Union Trust Company, St. Louis, Missouri, executor of the Estate of Louise Frost Vernon, deceased, deposited March 18, 1944, with the Treasurer of the State of Missouri, for the State of Missouri, to the account of Escheats, account number 10933, pursuant to order of the Probate Court of the City of St. Louis, State of Missouri, entered in said estate proceeding, and any and all rights to petition for payment of the aforesaid claim, and to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elizabeth Alice Von Versen, also known as Elizabeth Alice Von Verson, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1952.

For the Attorney General.

[SEAL] PAUL V. MY

PAUL V. MYRON,
Deputy Director,
Office of Allen Property.

[F. R. Doc. 52-7179; Piled, June 30, 1952; 8:58 a. m.]